United Nations A/HRC/29/NGO/61

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Human Rights Council
Twenty-ninth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Arab NGO Network for Development, a non-governmental organization on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[25 May 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-09063 (E)
1509063

Please recycle

Bahrain: Grave Abuses of Human Rights Continue*

From the last session of the Human Rights Council in March 2015, to the current 29th session, Bahrain witnessed further erosion of human rights and deterioration of civil society space and violation of Bahrain's human rights commitments and obligations deriving from core human rights treaties Bahrain is party to.

Since the last HRC session, the most alarming development occurred on 10 March 2015, with the outbreak of violence and use of excessive force by security forces at Jaw Prison where political and rights prisoners are held. While photos, videos and testimonies of prisoners released or still in detention reflect the violations, abuses are still going on through denial of medication of the wounded and sick, crowdedness, accommodation in tents, contagious skin disease and denial of visitation for many.

Bahrain continues to undermine legal political life as well by targeting the licensed political organizations. For instance, the largest political and opposition party, Alwefaq which secured 62% of votes in the parliamentary elections of 2010, with 18 MPs out of 40 MPs of the House of Representative, has been denied repeatedly to hold its Conference and its political figures have been targeted. More alarming is the prosecution of AlWefaq leaders for their statements alleged to incite hatred against the state, intentionally disseminating false news that threatens public peace and homeland security, call for illegal marches, and indignation of the Ministry of Interior. The Secretary General, Sh. Ali Salman, who was summoned to interrogation on 28 December 2014 and held since then, has been interrogated repeatedly, till now. When his trial was held on January 2015, he was charged with plotting to topple down the regime, and promoting defiance of laws, hatred of the state and false news that destabilize the country. Since then his trial has been going and the coming session is expected to be on 26 May 2016. The second opposition organization, WAAD, has been targeted also. The Ministry of Justice, pressurized WAAD, to drop membership of its Secretary General , Mr Ebrahim Sharef, serving 5 years imprisonment on phony charges. The other aspect of undermining legitimate political activities has been sanctioning licensed demonstrations ,and meeting for the last 6 months. This forced public to unlicensed demonstrations and meetings which have been quelled with excessive force resulting in hundreds of causalities and arrests.

Moreover, while the recent UN resolution on civil society space[1] emphasized the problematic of domestic legal and administrative provisions, such as national security and counter-terrorism legislation, and other measures, such as provisions on funding to civil society being misused to hinder the work of civil society, such practices in Bahrain remain. This requires the Council to closely follow the situation on the ground; given that foreign funding to independent organizations is restricted, and with the latest amendments on the law on Clubs and Society, dual membership of political organization and NGO, the dual membership of sport union and NGO, the membership of NGO Board and another NGO are denied.

The mass denaturalization of indigenous Bahrainis (72 lately), on phony charges continue to target political and rights activists, both in and outside Bahrain. Consequently the majority became stateless, where the government charges them with illegal residence, and deny them of basic rights in education, work , health, identification documents ...etc. Freedom of expression including those of social media has been restricted as well where tweets lead to minimum 6 months imprisonment; given the cases of human rights activists such as Mr. Nabil Rajab, Nader Abdulemam and Ms. Ghada Jamshir, who were sentenced to imprisonment.

Bahraini Government's practices against the enjoyment of legitimate political and civil rights including freedom of association, freedom of expression, and freedom of belief have been closely monitored by the OHCHR and the UN Secretary General Ban Ki Moon as well, where the former noted that "opposition parties are fundamental pillars of any democracy and Sheikh Salman's arrest risks intensifying the fraught political scene that has seen anti-government protests for nearly four years[2]."

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[1] http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/27/L.24

[2] http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15461&LangID=E

In this context, we call the UN Human Rights Council members to urge the Government of Bahrain to cooperate with the Office of the High Commissioner for Human Rights, the Special Rapporteurs on Torture, Human Rights Defenders and Freedom of Association and immediately implement the recommendations put forward during the country's Universal Periodic Review in 2012, as well as by the Bahrain Independent Commission of Inquiry in 2011, to ensure freedom of expression and assembly and to immediately release of all persons convicted or detained for merely exercising their fundamental rights to freedom of expression and assembly.

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*Bahrain Human Rights Observatory NGO without consultative status, also shares the views expressed in this statement.

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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Joint written statement* submitted by the Organisation Internationale pour le Droit à l'éducation et la liberté d'enseignement (OIDEL), Association Points-Coeur, Associazione Comunita Papa Giovanni XXIII, Catholic International Education Office (OIEC), Congregation of Our Lady of Charity of the Good Shepherd, Dominicans for Justice and Peace - Order of Preachers, International Catholic Child Bureau (BICE), Istituto Internazionale Maria Ausiliatrice delle Salesiane di Don Bosco, Organisation pour la Communication en Afrique et de Promotion de la Coopération Economique Internationale (OCAPROCE Internationale) and Women's Board Educational Cooperation Society, non-governmental organizations in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-09064 (E)

1509064

Please recycle

Regulating private providers in education and safeguarding education as a public good*

We welcome the report of the Special Rapporteur which highlights repercussions on principles of social justice and equity of rampant privatization, principally in the developing countries. Indeed, education as a sector is increasingly opened up to profit –making and trade, making it an attractive business. It is obvious that such a quasi market phenomenon is contrary to international law, and that it undermines the right to education, both as entitlement and as empowerment.

We want to emphazise the pertinence of the distinction made by the Special Rapporteur regarding the providers of "for-profit education" that are distinct from other non-state actors, such as religious institutions, non-governmental organizations, community-based groups, foundations and trusts. The Special Rapporteur commands the work of these providers and active engagement in upholding the right to education.

We also want to highlight the recall made by Mr Singh of the role of the State in particular article 13 (3 and 4) of the International Covenant on Economic, Social and Cultural Rights which is not unfettered. This Article stipulates the "Liberty of parents and guardians to ensure religious and moral education of their children in conformity with their own convictions" and "the liberty of individuals and bodies to establish and direct educational institutions". Such freedom of education is subject to "minimum educational standards" and the State is primarily responsible in case of privatization. "Only the State can pull together all the components into a coherent but flexible education system". In fact, instead of leading to extreme disparities of educational opportunity for some groups in society, as is the danger when non-state providers are transforming education into an attractive business, privatization should "give full effect to the right to education by, promoting equality of opportunity in education in accordance with their human rights obligations". The Special Rapporteur also mentions in page 16 of his report that the "provision of alternative schools for linguistic, cultural or religious reasons in line with article 13 of the ICESCR has a recognized place in education systems and is important in maintaining diversity and protecting minorities within countries".

Regarding discrimination, we would like to recall the UNESCO Convention against Discrimination in Education and cite its Article 2:

When permitted in a State, the following situations shall not be deemed to constitute discrimination, within the meaning of Article 1 of this Convention:

(c) The establishment or maintenance of private educational institutions, if the object of the institutions is not to secure the exclusion of any group but to provide educational facilities in addition to those provided by the public authorities, if the institutions are conducted in accordance with that object, and if the education provided conforms with such standards as may be laid down or approved by the competent authorities, in particular for education of the same level. We welcome section VII of M. Singh's report as it stresses that public policies can foster communities and NGOs to construct or establish schools for basic education, these playing a meaningful and complementary role for the realization of the right to education. The Spanish example of "conciertos economicos" is very telling in this regard. There are many examples in Europe of good relationships between civil society and the State, in countries like Belgium, Denmark or The Netherlands. Such good practices merit attention, especially since they could also be transferable to other education systems.

Free basic education and quality education is the core obligation of States with regard to the right to education and we welcome the view of the Special Rapporteur, which is to recommend that the concept of education as a public good be enshrined in national legal system. The need for State policy in this sphere, based on a humanistic nature of education, giving primacy to common human rights value, is also a significant assertion from the part of the Special Rapporteur. We thank the Special Rapporteur for stating strongly the public accountability of privatized schools and that availability of remedies and recourse from their decisions should be clearly provided for by law. Justiciability of the right to education goes as far as it is no longer respected as a common good.

We want to insist on the fact that privatization comes from a failure from the State, not only for economic reasons. Instead of considering education as a fundamental human right of the person, some States tend to consider education as an instrument for building a state nation. That is what the UNDP Human Development Report 2004 denounced when it talked about the educational system understood as "Construction of a nationalized system of compulsory education promoting standardized curricula and teaching the dominant group's language, literature and history".

For our organizations, the best education model would be the one of Article 5 of the Universal Declaration on Cultural Diversity: All persons should be entitled to quality education and training that fully respects their cultural identity.

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* The UNESCO Chair of the University of Bergamo, the UNESCO Chair of University of La Rioja, and the Collège Universitaire Henry Dunant, institutions/NGOs without consultative status, also share the views expressed in this statement.

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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Aliran Kesedaran Negara National Consciousness Movement, a non-governmental organization on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-09148 (E)
1509148

Please recycle

Crackdown on Freedom of Expression and Assembly in Malaysia*

There has been a serious regression in Malaysia's democratic space in 2015, with the government's crackdown on freedom of speech and assembly, predominantly through the use of the Sedition Act 1948, Peaceful Assembly Act 2012, and various sections of the Penal Code.

Freedom of speech and expression is enshrined in Article 10(1)(a) of the Federal Constitution of Malaysia. However, the guarantee of such a right is severely limited and qualified by broad provisions in Article 10(2)(a), which stipulates that Parliament may impose *"such restrictions as it deems necessary or expedient in the interest of the security of the Federation or any part thereof"*. Similarly, the freedom of assembly is enshrined in Article 10(1)(b) of the Constitution, but is restricted through Article 10(2), 10(4) and Article 149 of the Constitution.

But it is arguable whether the action done in exercising these constitutional human rights do pose threats to national security, justifying their restriction, as none of them intended to incite violence or hatred against the government or any other party.

Alarming increase in the use of the Sedition Act to crackdown on freedom of expression

At the United Malay National Organisation (Umno) General Assembly in November 2014, Malaysian Prime Minister Najib Razak conceded to extremists in Umno and reversed his public promises to repeal the Sedition Act.[1] On 27 September 2014, Najib Razak not only reneged on his pledge to abolish the Act, but announced that he would *"fortify"* it to protect Islam and other religions and address calls for secession in the East Malaysian states of Sabah and Sarawak.

The announcement was a shock as it contravened his 2012 electoral pledge[2] to repeal the law as part of his legislative reforms to uphold civil liberties. Najib again attested to this promise during a BBC News interview in July 2013[3]. A stark increase in the use of the Sedition Act from 2012 to 2015 has seen 71 people investigated, 53 charged, and 5 convicted under the act.

In September 2014, student activists Safwan Anang and Adam Adli were convicted of sedition and sentenced to 10 and 12 months prison respectively for speeches they made about alleged electoral fraud, calling for street protests at a post-election rally in May 2013.

On 10 February 2015, Opposition leader Anwar Ibrahim was jailed for five years on what many believe to be politically motivated trumped-up charges of sodomy. Activists who took to Twitter to express their dissatisfaction were arrested and questioned by police. Those targeted included cartoonist Zulkiflee Anwar Haque, MP Nga Kor Ming, MP Rafizi Ramli and Parti Sosialis Malay (PSM) Secretary-General S. Arutchelvan. The IGP later defended his harassment on Twitter and admitted that he was targeting politicians and NGO leaders with large Twitter followings.

Since 2009, political cartoonist Zulkifli SM Anwarul Haque, better known by his pen name Zunar, has been investigated and arrested under the Sedition Act by the government for producing comics that were allegedly

1 The Malaysian Insider – Sedition Act stays, says Najib, 27 November 2014 - http://www.themalaysianinsider.com/malaysia/article/sedition-act-stays-says-najib

2 The Malaysian Insider – Najib: Sedition Act to be repealed, 11 July 2012 - http://www.themalaysianinsider.com/malaysia/article/najib-sedition-act-to-be-repealed

3 British Broadcasting Corporation (BBC) News – Malaysia PM Najib Razak makes sedition pledge, 2 July 2013 - http://www.bbc.com/news/world-asia-23145379

detrimental to public order. The government's determination to persecute Zunar has extended to his printers, vendors, online service provider and book store owners, whose places of business were raided by police officers.[4]

On 3 April 2015, Zunar was charged with nine counts of sedition for tweets he wrote in February 2015 criticising the Anwar Ibrahim sodomy conviction, and faces up to 43 years imprisonment. He is awaiting trial on 7 July 2015.

On 10 April 2015, Malaysian lawmakers passed controversial amendments to the Sedition Act that pose an even greater threat to freedom of expression. The amendments removed two categories from the definition of seditious tendency - *'exciting disaffection against the government and against the administration of justice'* However, the amendments added the offence of *'stirring up ill-will, hostility or hatred on the grounds of religion'* The broad definitions for "seditious tendency" remain arbitrary and have the effect of capturing any legitimate and constructive criticism against the establishment.

The amended Act creates "aggravated" sedition for offences that lead to bodily harm or property damage. The 'importing seditious publications offence' was replaced with the 'propagating seditious publications offence'. Many fear the vague definition of "propagating" will mean the end of the relatively free use of social media in Malaysia to criticise the government. Home Minister Ahmad Zahid Hamidi's statements that the amendments were meant to handle "threats" on social media substantiate this.[5] The Act has removed judicial discretion in imprisonment and provides for mandatory jail terms of between three and seven years for those found guilty.

Comments deemed seditious include law Professor Dr Azmi Sharom's remarks on a political crisis[6]; journalist Susan Loone's reporting on a statement by a politician in an interview[7]; and MP Nurul Izzah's parliamentary speech on her father Anwar Ibrahim's imprisonment.

Recent crackdown on freedom of assembly

Since 2008, Malaysian civil societies have increasingly organised peaceful street protests to highlight the urgent need for electoral reform and human rights despite legislation such as the Police Act 1967 that required protestors to apply for a permit to hold marches and rallies under Section 27(2) or face fines of between RM2,000 and RM10,000 or one year in jail.

The provisions under the Police Act restricting public assemblies were repealed, but were replaced by the Peaceful Assembly Act 2012 which has proved to be more restrictive[8] .According to a booklet produced by the information

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4 Malaysiakini – Ministry appeal against lift of ban on Zunar's books, 11 November 2014 - http://www.malaysiakini.com/news/280153

5 The Malay Mail Online – Sedition Act expanded to protect you on social media, Zahid tells Malaysians, 11 April 2015 - http://www.themalaymailonline.com/malaysia/article/sedition-act-expanded-to-protect-you-on-social-media-zahid-tells-malaysians

6 The Malay Mail Online – UM law professor latest caught in Putrajaya's sedition dragnet, 1 September 2014 http://www.themalaymailonline.com/malaysia/article/um-law-professor-latest-caught-in-putrajayas-sedition-dragnet

7 The Malaysian Insider – Journalist Susan Loone arrested in Penang over 'seditious' article, 4 September 2014 -

http://www.themalaysianinsider.com/malaysia/article/journalist-susan-loone-arrested-in-penang-over-seditious-article

8 New Mandala – Malaysia Assembling the Peaceful Assembly Act, 6 December 2011 - http://asiapacific.anu.edu.au/newmandala/2011/12/06/malaysia-assembling-the-peaceful-assembly-act/

Department[9], it is meant to prevent street protests such as the 28 April 2013 Bersih 3.0 protests that demanded electoral reform.

Since its tabling, it has been used to selectively prosecute Opposition politicians and activists who take part in or are alleged to have organised street protests.[10] Among the provisions in the Peaceful Assembly Act that restrict freedom of assembly is the requirement for organisers to send written notice of a public assembly to the police 10 days prior to the event or it will be an offence under Section 9(5) of the Act.

But on 25 April 2015 the Court of Appeal ruled that it was unconstitutional to criminalise protests that breached the 10-day notice requirement.[11] To date, however, a total of 49 people have been arrested and investigated under the Peaceful Assembly Act including state assemblyperson Nik Nazmi[12]. A further 87 people have been charged, including 50 activists protesting the newly introduced Goods and Services Tax[13].

The government has resorted to the use of Section 143 of the Penal Code to detain participants and organisers of protests for unlawful assembly. Most recently, there was a crackdown on participants, opposition politicians and social activists who took part in the 1 May 2015 Workers Day rally to protest the recently introduced Goods and Services Tax (GST). Police detained prominent lawyer and human rights' activist Ambiga Sreenevasan; MPs Anthony Loke and Dr Hatta Ramli; and PSM secretary-general S. Arutchelvan in connection with the protest.[14] Twenty-three youths were also remanded for four days over the same protest under Section 143.[15]

Recommendations

The use of the Sedition Act and Peaceful Assembly Act seriously threaten freedom of expression and assembly in Malaysia. We entreat the UN Human Rights Council to make urgent representations to the Malaysian government urging them to:

- Cease all human rights violations occurring in Malaysia and urge an immediate end to the harassment, persecution, and arbitrary arrest of those exercising their freedom of expression and assembly

9 Deaprtment of Information Malaysia – Akta Perhimpunan Aman 2012 (Peaceful Assembly Act 2012), March 2013 - https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=3&ved=0CC0QFjAC&url=http%3A%2F%2Fwww.penerangan.gov.my%2Findex.php%2Fbm%2Fe-book%2Fdoc_download%2F330-akta-perhimpunan-aman-2012&ei=LMVQVfl7z5O4BP-dgaAP&usg=AFQjCNFEOl2XyshDcla8y1wwj60pLafgxA&sig2=2NpS0dXQA6bSALnm5vtoUw&bvm=bv.92885102,d.c2E

10 The Malaysian Insider – Lawyers cry foul as 3 more activists are to be recharged under assembly law tomorrow, 8 May 2014 - http://www.themalaysianinsider.com/malaysia/article/lawyers-cry-foul-as-3-more-activists-are-to-be-recharged-under-assembly-law

11 The Malay Mail Online – Assembly law cannot criminalise public gatherings, court rules, 25 April 2014 - http://www.themalaymailonline.com/malaysia/article/assembly-law-cannot-criminalise-public-gatherings-court-rules

12 Malaysiakini – PKR's Nik Nazmi detained over Kita Lawan, 8 March 2015 - http://www.malaysiakini.com/news/291305

13 The Malaysian Insider – 50 charged over staging anti-GST protest, 23 April 2015 - http://www.themalaysianinsider.com/malaysia/article/50-charged-over-staging-anti-gst-protest

14 The Malaysian Insider – Ambiga, 3 others freed after a night in lock-up, 2 May 2015 - http://www.themalaysianinsider.com/malaysia/article/ambiga-3-others-freed-after-a-night-in-lock-up

15 The Malaysian Insider – Remand extended a day for 23 youths held over Workers Day rally, 4 May 2015 - http://www.themalaysianinsider.com/malaysia/article/remand-extended-a-day-for-23-youths-held-over-workers-day-rally

- Repeal the 1948 Sedition Act and amendment or repeal all laws which are not in line with international standards, including the 2012 Peaceful Assembly Act; the 1972 Official Secrets

  Act; and the 1984 Printing Presses Publications Act.

- Drop all sedition and anti-peaceful assembly charges with immediate effect

- Revise the Malaysian Communications and Multimedia Act to safeguard freedom of information and expression on the internet

- Extend an immediate invitation to the United Nations Special Rapporteurs on Freedom of Assembly and Association and Freedom of Expression to conduct an urgent country visit to Malaysia.

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*Suara Rakyat Malaysia (Suaram), NGO without consultative status, also shares the views expressed in this statement.

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Human Rights Council
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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Verein Sudwind Entwicklungspolitik, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[25 May 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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1509149

Please recycle

Discrimination against women in the I. R. of Iran: women & employment

Iran is one of the oldest members of International Labour Organisation (ILO), which implies non-discrimination between men and women in employment in the labour market. This report highlights the case of women specialist care doctors, who are treated differently than their male counterparts in employment due to the Ministry of Health and Medical Education regulations. It also refers to gender quota on the initial phase of employment in the government agencies and the problems that ensues for women.

1-Women specialist care doctors

In 2003, during the first term of Mahmoud Ahmadinejad's presidency, "women's scheme", was presented to the parliament on the situation of female medical doctors after they complete their specialist courses in the state-owned establishments. According to this bill, women who specialised in a field, had to work at the state-owned hospitals in the deprived regions of the country far from their home towns for a duration twice or thrice the years they had spent to specialise in that field. This bill passed by the parliament without delay though with some legal loopholes.

Up to the present time, over ten thousand female doctors had been stationed outside their home towns for up to 8-12 years. To live and work outside home environment and in extreme conditions has created many problems for these young women doctors. Lack of opportunity to get married and have a family or worse taking their family with them (if the husband approves) is among them. In some cases women doctors had been diagnosed with depression due to harsh working conditions "in exile" and lack of support from family and friends.

In 2006, "women's scheme" faced opposition among female doctors on grounds of discrimination against them. According to this 'scheme', young female doctors, who enrolled to specialise in a field, had to sign a form, giving the Ministry of Health and Medical Education authorisation to send them away to the deprived regions for up to 12 years during which their licence was held until the end of this term. Male doctors objected to this scheme and their term was reduced to 2 years.

In the autumn of 2007, more than 50 women and men specialist care doctors assembled in front of the parliament to demonstrate against the directive. Special security guards and intelligence soon arrived and detained 3 women doctors and 1 man.

In 2008, a number of women doctors sought legal advice and challenged some of the articles in the "women's scheme", and urged their deletion from the Ministry of Health's organisational chart. Shortly afterwards, the intelligence got involved and the legal challenge file was dumped in the judiciary rooms,[1] while little hope of any reform to the bill remained in the horizon.

In 2014, about 300 women doctors assembled in front of the ministry and raised the issue once again. The ministry officials rejected their case on the grounds that "they have signed a contract" to work in deprived regions thrice the education period.[2]

During Hassan Rowhani presidency this course of action took a turn to the worse. Dr Seyed Hassan Hashemi, Minister for Health and Medical Education issued a directive and banned female doctors who worked at the state-owned hospitals to have private practice after office hours. Once again, this directive faced opposition and demonstrations in front of the ministry of health, hence detention of a number of doctors and the silence thereafter.

[1] http //just1 persianblog ir/post/1705/

[2] http //www jamejamonline ir/newspreview/1506360619101087829

At present, a large number of female doctors are forced to work at the state-owned hospitals on low wage of 1,100-800 Euros a month and had been forced to close down their private practice or work in male colleagues' practices in secret.

Due to the large number of female students in medical schools, the ministry of health and medical education has proposed a bill to the parliament to increase the male quota in the specialised fields to 70%, hence reducing the number of female candidates who pass through the tough exams.

2- **Regulations to enhance inequality**

Women and civil society activists demand Iran joins the CEDAW. However the vice president to "Women and Family", Ms Shahindokht Molaverdi has reiterated the importance of improving women's place within the family institution: "One of the priorities of this government is the legal and religious rights of women."[3]

This strategy is displayed in the guideline booklet for employment throughout the government organisations. The strategy of driving women from employment market is also implemented through the reduction of working hours, increasing maternity leave without job security and the policy of population increase. According to the government strategists and the supreme leader, women must take responsibility for the population increase and unemployment crisis.[4]

In the report presented by the Iranian government to the CSW59/Beijin+20, the official policy of the Islamic Republic of Iran based on gender justice and opposing gender equality is obvious.[5]

In 2015, of 2,800 vacancies at the government agencies, 2,284 were allocated to men, 500 between men and women and only 16 places were given to women.[6]

This is despite Iran's supporting the recommendations of Yemen, Algeria, Bhutan, Djibouti and Ethiopia during the second cycle of UPR on empowerment and employment of women.

A report had been published by some press on the "sustainable employment for women" drawn by Ms Molaverdi. However, there are no further reports on its development. To reduce and eliminate discrimination against women requires the participation of activists and the society at large. Unfortunately, the only specialised magazine on women issues "Women Today" had been ordered to be closed down after only one year publication by the Press Supervisory Council, so women activists have little voice on the issues concerning women discrimination.

Conclusion:

Discrimination against women in Iran is imbedded in law and practice. In recent years and against the increase in the number of educated women who are aware of their rights, and the establishment of a deputy for women & family within the government, further bills and directives have sustained the practice of inequality and discrimination against women. Iran is about to join the executive body of UN Women, an institute whose sole aim is the promotion of equality and the elimination of violence against women.

By joining such a unique body, we demand Iran join the CEDAW and adhere to its contents both in law and practice.

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[3] http://www.tabnak.ir/fa/news/483228

[4] http://www.roozonline.com/persian/news/newsitem/article/-157dd46d50.html

[5] http://women.gov.ir/Portal/home/?news/69029/108860/114182/

[6] http://www.feministschool.com/spip.php?article7701

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Human rights situation in Palestine and other occupied Arab territories

Written statement* submitted by the Amuta for NGO Responsibility, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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1509150

Please recycle

Governments and the UN Must Stop Funding Used to Promote Antisemitism

Antisemitism is a very virulent and enduring form of racism that has unfortunately been reemerging to levels not seen since the 1930s, in the period leading up to the Holocaust. Throughout Europe, Jews have been deliberately targeted, violently attacked and murdered at synagogues, schools, kosher markets, and museums. Jews wearing yarmulkes (skull caps) or other religious markings are subject to harassment and violence. Crowds at soccer matches chant "Jews to the gas" and other genocidal taunts. Mass demonstrations in European capitals, ostensibly to protest Israeli actions towards the Palestinians, are rife with antisemitic and Nazi sloganeering and imagery. University campuses have seen extreme targeting and singling out of Jews. In Iran, state-sponsored Holocaust denial and calls to "wipe Israel off the map" are entrenched. Arab media is filled with vitriolic antisemitism and blood libels.

Government and UN Funding Used to Promote Antisemitism

As antisemitism rises and reaches crisis levels in Europe, NGOs that claim to promote human rights and humanitarian agendas in the context of the Arab-Israeli conflict and executing the Durban Strategy have fueled and exacerbated hatred of and discrimination against Jews, promoting antisemitic themes and imagery, as at the Durban Conference. These groups, which include international, Palestinian, and Israeli NGOs, also fail to report on or condemn antisemitism and incitement against Jews.

Despite the extensive evidence of NGO antisemitism – egregious examples are provided below – governments, in particular in Europe, continue to fund these groups with hundreds of millions of dollars, pounds, euros, and kroner, and enable the problematic activities and rhetoric.

For instance, BADIL, a rabidly anti-Israel NGO, has been awarded $251,000 in core funding for 2014-16 by Denmark, Sweden, Switzerland, and the Netherlands through the Human Rights and International Humanitarian Law Secretariat. These governments, which ostensibly provide funding to support human rights and international law, are instead enabling an NGO that has engaged in egregious antisemitism through the posting of horrific antisemitic and anti-Israel images on its website.

Project-based funding, which is ostensibly provided for a specific project, with its own intended outcomes and objectives, can be abused, as well. Medical Aid for Palestinians (MAP), an NGO receiving massive funding from countries such as the EU, UK, Australia and others, has been active in anti-Israel lobbying for years. However, its founding director, Dr. Swee Ang Chai, has also promoted virulent classical antisemitism (see below).

Moreover, funding is fungible. Justifications that NGO projects are unrelated to a grantee's wider agenda and expressions of antisemitism belie government funders' full responsibility for the activities of their grantees. Moreover, there is no doubt that if these groups had engaged in anti-black or LGBT discrimination, they would not receive funding from these governments. Yet, antisemitic activity does not serve as a bar to funding.

The harmful effects of this government support for NGOs are sustained by the secrecy that governs funding processes and shields NGO funding from public scrutiny. This lack of transparency is manifest in government websites and databases that do not provide basic information (i.e. amounts, project descriptions) on NGO grants, the refusal of funding agencies to release documentation on evaluations and decision making, and the refusal of government officials and diplomats responsible for allocating funds to NGOs to respond substantively to inquiries.

The ongoing government funding for NGOs that engage in antisemitic activities and use antisemitic rhetoric highlights the persistent double standard: **Hatred of Jews is tolerated in a way that would be unthinkable for other racial, ethnic, or religious groups.** Likewise, Jewish and Israeli targets are often denied the right to define what constitutes discrimination against them.

Main Forms of NGO Antisemitism

As seen in the following examples, when conducting anti-Israel campaigns, and especially during periods of intense conflict (e.g. the 2014 Gaza War), NGOs frequently use opposition to Israeli policies and purported anti-Zionism as cover for antisemitism. This is usually tied to accusations of Israeli "war crimes" and human rights violations, which reinforce these campaigns. They regularly include a radical fringe of Jews, recruited in an attempt to deflect accusations of antisemitism, double standards, and demonization – which is itself a form of antisemitism. These groups include international NGOs (Amnesty International, Human Rights Watch), Palestinian NGOs (MIFTAH, BADIL, Sabeel, Kairos Palestine , Electronic Intifada, Gaza Community Mental Health Programme), and Israeli groups (Alternative Information Center, Israeli Committee Against House Demolitions).

Contemporary antisemitism is evidenced in NGO political campaigns based on the strategy adopted by the NGO Forum of the 2001 Durban Conference, through the boycott, divestment, and sanctions movement (BDSM) and legal attacks ("lawfare"). These campaigns regularly include a radical fringe of Jews, recruited in an attempt to deflect accusations of antisemitism, double standards, and demonization – which is itself a form of antisemitism.

Contrary to NGO claims that they are engaging in "legitimate criticism" of Israel, the NGO rhetoric, publications, and activities often violate accepted standards, including the EU and U.S. definitions of antisemitism.

The following are just two egregious examples of how NGOs ostensibly claiming to promote human rights have engaged in antisemitism or refused to take action to combat against it:

In July 2014, during the Gaza conflict, Dr. Swee Ang Chai, founder of Medical Aid for Palestinians, which is based in the UK and receives government and EU funding, promoted a virulently antisemitic video by the white supremacist, David Duke, a former leader of the Klu Klux Klan. In addition, Swee Ang is one of the signatories of the "Open Letter for the People of Gaza," published by the British medical journal, *The Lancet*. The letter accuses Israel of "war crimes" while ignoring Hamas's crimes of rocket fire and terror tunnels from Gaza into Israeli territory, and denies Israel the right of self-defense.

In 2008, MAP received proceeds from an anti-Israel Christmas campaign that offered an "alternative carol service" to "highlight current reality in the Holy Land." Lord Carey of Clifton, former Archbishop of Canterbury, spoke out against the event, arguing that it demonstrated that "anti-Semitism and hostility to Jews still lurked beneath the surface in Christian circles in Britain." Referring to the carol service, he added: "Such actions strengthen an anti-Israeli agenda, trivialize the political issues and nourish an anti-Semitic culture." This "culture," which is prevalent among church groups, reflects theological antisemitism, using regressive language to weaken and disrupt Jewish-Christian relations. Christian pro-Palestinian activists have built on this foundation and introduced resolutions calling on their respective churches to boycott Israel and divest from companies doing business in or with Israel.

In parallel, on April 19, 2015, Amnesty International's UK branch held its Annual General meeting. Out of 17 proposed motions, the only resolution that was rejected called on Amnesty-UK to "Campaign against anti-Semitism in the UK," as well as "Lobby the UK Government to tackle the rise in anti-Semitic attacks in Britain," and "monitor anti-semitism closely."

When criticized for this absurd decision, an Amnesty-UK official claimed that "our membership decided not to pass this resolution calling for a campaign with a single focus." This is false – the NGO has in fact has initiated "single focus" campaigns in the past, for instance, approving "overwhelmingly" a 2010 resolution on Sinti and Roma Communities because "Within the last year widespread discrimination and violence against Sinti and Roma communities has intensified in a number of European countries, which Amnesty International has published within respective country reports."

The vote also took place in the context of repeated examples of racism within this ostensibly moral organization itself – in particular the activities of a prominent staff member who history of obsessive anti-Israel attacks and antisemitic outbursts, and was investigated for some of his rhetoric; however, serious steps have not been taken.

As these examples show, the ongoing government funding for NGOs that engage in antisemitic activities and use antisemitic rhetoric highlights, as mentioned, the persistent double standard: **Hatred of Jews is tolerated in a way that would be unthinkable for other racial, ethnic, or religious groups.** Likewise, Jewish and Israeli targets are often denied the right to define what constitutes discrimination against them. To defeat this virulent form of racism, it is necessary to develop and implement an effective strategy, over a period of many years. This process must begin by ending government and UN funds to these organizations, and by continuing with educating all parts of society on the need to stop antisemitism.

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Human rights situation in Palestine and other occupied Arab territories

Written statement* submitted by the Amuta for NGO Responsibility, a non-governmental organization in special consultative status

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Please recycle

European Neighborhood Policy in Israel Report Reflects Flawed EU Policy Process

On March 25, 2015, the European External Action Service released a progress report on the European Neighborhood Policy vis-à-vis Israel in 2014.

In contrast to previous years, the 2014 ENP Report shows improvement with regards to the overly simplistic, homogenous perception of minorities in Israel contained in previous ENP updates. The EU also provided a more proportionate discussion of the complexities of the Israeli environment in dealing with EU-related issues.

These changes, however, are overshadowed by endemic problems in EU policy formulation as it relates to Israel that continue to appear in the ENP, and almost all other EU reports and policy efforts. These flawed approaches contribute to a distorted and often demonizing picture of Israel and leads to critical weaknesses in the EU's assessment and understanding of Israeli society. Moreover, they reflect a double standard applied only to Israel and to no other country in the European neighborhood's Mediterranean Partnership.

1. EU reliance on claims of fringe political advocacy NGOs: The EU's policy making process reflects continuing dependence on material provided by a narrow group of political advocacy NGOs, often funded by the EU and European governments, resulting in a distorted approach and affecting the report's content and credibility. By simultaneously receiving funding and serving as consultants for the EU, NGOs exert a pronounced influence on EU policies. The ENP Reports for Israel rely heavily on NGOs statements, without verifying claims, checking sources, or consulting with other parties. The narratives of these NGOs and their unverified allegations should not be repeated without independent confirmation nor substituted in place of data provided by official sources.

2. Disproportionate focus on the Arab Muslim minority, to the exclusion of other ethnic and religious groups: Reports neglect the challenges and complexities of Israel's broad diversity, and misrepresent the economic, social, and cultural situation in Israeli minority communities. Reports focus mainly on Israel's Muslim Arabs, to the exclusion of other ethnic and religious minorities (Christians, Ethiopians, Circassim, Druze, ultra-Orthodox Jews, Baha'i, etc…).

3. Disproportionate focus on the Arab-Israeli conflict: NGO submissions and statements encourage the EU to focus disproportionately on Israel's relations with the Palestinians, distracting from the assessment of Israel's bilateral relations with Europe.

4. Different standards applied to Israel: Reports show a remarkable inconsistency in terms of human rights norms construal and application with respect to other countries.

The following brief analysis examines how the flawed EU approach manifests itself in the ENP report.

Omissions in the 2014 ENP Report

On the 2014 Gaza conflict

- The ENP report notes that there was "indiscriminate rocket fire from the Gaza Strip," but notably omits the wider context of the 2014 Gaza conflict, such as years of incessant rocket fire at civilians in Southern Israel and the infiltration tunnels leading from Gaza into Israel. There is no mention of Hamas' repeated grave violations of international law, including the use of UNRWA schools and facilities as weapons depots, launching pads, and other military activities, which are essential factors for understanding the reported "shelling of several schools of [UNRWA]."

- Reflecting a lack of independent research and verification mechanisms, the EU repeats claims of "over 2100 [deaths] on the Palestinian side, of which 70% were civilian according to the United Nations (UN)," and

acknowledging that "the Israeli Defense Forces (IDF) claimed that no more than 55% of the dead were civilians." It fails to mention that the figure of "70% civilians" originated with Hamas officials in Gaza, repeated by NGOs and UN-OCHA, and refuted in detail in research by the Meir Amit Intelligence and Terrorism Information Center.

- The ENP report notes Israel's refusal "to cooperate with the UNHRC Commission of Inquiry, heavily criticizing committee chairman William Schabas." However, the text omits the EU's own accurate criticism: the common EU statement to the UNHRC described the inquiry as having "prejudged the findings even before it was formed" and the UN resolution establishing it as "unbalanced." Many political advocacy NGOs, some of which are directly and indirectly funded by European governments, were active in lobbying in support of the resolution – against the common EU position.

Religious Freedoms in Israel

- The ENP Report criticized limited access to the Al-Aqsa Mosque in Jerusalem during Ramadan, noting a "90% decrease in Palestinian worshippers at the site." The EU, reflecting the reliance on selective NGO reports, did not mention that Ramadan overlapped with the Gaza conflict and significant violence in Jerusalem, necessitating stronger security measures.

- The ENP Report failed to mention the October 30 attempted assassination and severe wounding of Yehuda Glick, an Israeli who advocates for Jewish prayer rights on the Temple Mount. This example is one of numerous instances where violence against Israelis was ignored or minimized as "violence against settlers," again reflecting dominant NGO biases.

Violence against Israeli civilians

- In discussing "increased tension between Jewish and Arab communities in Israel" and noting that "Even excluding Operation Protective Edge, 2014 saw the highest number of civilian deaths related to violent incidents and terror attacks for many years," the EU provided specific examples of "Price Tag" attacks such as an "anti-Arab graffiti on a mosque in Fureidis." In contrast, there are no specifics on the numerous terror attacks against Israeli targets in 2014 or the perpetrators. Other salient factors, such as widespread incitement to violence in Palestinian society and the PA, are erased.

    - Notably absent was discussion of the November 18 terrorist attack, when two Palestinian men from East Jerusalem entered a synagogue in the Har Nof neighborhood of Jerusalem during morning prayers and attacked the worshippers with axes and firearms. Four worshippers were murdered and eight others wounded; a Druze police officer was also killed.

    - Other attacks against Israeli civilians, such as several attacks near the Jerusalem light rail, and other details were equally ignored.

- The ENP report refers several times to the June 2014 abduction and murder of three Israeli teenagers. However, the report does not identify the perpetrators or their affiliation with Hamas. In contrast, the report notes that "extremist Israelis" were responsible for the horrific revenge murder of an Arab teenager in Jerusalem.

- The EU's discussion of "Violence against settlers" in 2014 is problematic in a number of ways:
    - The section titled "Israel's Responsibilities in the Occupied Territories" is framed by the statement that "Settlements are illegal under international law [and] constitute an obstacle to peace." This context has the effect, if not the intention, of minimizing the significance of violent attacks against these Israeli civilians.
    - OCHA is cited as the primary source for this data. OCHA has no credible methodology and its statistical analyses are unreliable. These basic flaws also highlight the EU's failure to more reliable sources.
    - Not all victims of attacks against Israeli civilians in the West Bank were "settlers," meaning Israelis

who live over the 1949 Armistice line. For instance, one of the victims, a father of five from Modi'in who was traveling to a Passover Seder, was murdered *en route*.

Issues relating to the section on "Israel's Responsibilities in the Occupied Territories"

- Israel is singled out as the only ENP country that has a particular chapter devoted to responsibilities under international law, including other ENP countries involved in territorial disputes and/or armed conflicts. This section, which deviates from the template of ENP Reports for other countries, was added to the 2011 Report on Israel following significant lobbying efforts from highly politicized NGOs, further demonstrating the close dependency relationship between EU policy and these groups.

- The report wrongfully identifies the "continuing Israeli restrictions" and Egypt's closure of the smuggling tunnels, which led to the "economic and physical isolation of the Strip" as the "primary obstacle for long-term economic development" of Gaza. This unsupported opinion does not acknowledge the Hamas violent takeover of Gaza in 2007, the continuous terror coming from Gaza, and the uncontrolled and illegal flow of arms into the Strip.

- The report fails to address Israeli humanitarian commitment during and after the military operations, the "cease-fires" repeatedly violated by Hamas, and the transport of civilians to Israeli hospitals.

- The EU ignores Hamas' exploitation of humanitarian aid and civilian structures for military purposes. Hamas built a network of tunnels beneath the Gaza border with Israel, using humanitarian material meant to assist civilians in Gaza, with the sole objective of carrying out attacks within Israel.

The Amuta for NGO Responsibility strongly recommends that in order for the EU to be seen as a credible player in the peace process and to improve ties with Israel, the EU must start to give careful scrutiny and independent verification to NGO claims, and consult a wider range of civil society organizations when assessing and developing policy. Moreover, it urges the EU to discontinue its practice of simultaneously funding and consulting with fringe NGOs that exert undue influence on EU policy.

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Please recycle

New Report on the 2014 Gaza Conflict Highlights Deficiencies in UN Fact Finding Mechanisms

NGO Monitor, a project of the Amuta for NGO Responsibility, and UN Watch have prepared an independent, fully sourced, systematic, and detailed report on issues related to the 2014 Israel-Hamas conflict, in parallel to the report of the UN Human Rights Council's Commission of Inquiry on Gaza (the "COI" or "Commission"). The aim of this report is to provide missing context and cover issues that are likely to be minimized or ignored altogether in the report of the Gaza COI, but that are critical to understanding and analyzing the 2014 war. The full report is available at www.ngo-monitor.org/2014_Gaza_Conflict.pdf.

In the past 13 years, the United Nations Human Rights Council and its predecessor framework – the UN Commission on Human Rights – have created at least seven commissions of inquiry regarding the Arab-Israeli conflict, more commissions than have been formed for any other conflict. All of these commissions have been mandated to investigate alleged Israeli wrongdoing; none have focused on wrongdoing by Arab states or terrorist groups in conflict with Israel. In all cases, the mandates were openly biased, and each of the reports – 2002 (Jenin), 2006 (Lebanon), 2008 (Beit Hanoun), 2009 (the Goldstone report), 2010 (Flotilla), and 2012 (settlements) – was surrounded by substantial criticism and controversy related to bias, omissions, inaccuracy, secrecy, questionable staffing, and sourcing, and the absence of systematic fact-finding methodology and standards.

The newest UNHRC commission was established on July 23, 2014 under Resolution S-21/1, passed during a special session of the UNHRC, in the midst of a 50-day conflict. During the conflict, Palestinian terrorist groups based in Gaza, under the control of the Hamas terrorist organization, launched thousands of deliberate attacks on Israel's civilian population. Yet, the Resolution "deplore[d] Israeli military operations" but not Hamas's attacks on civilians, and accused Israel, but not Hamas of "gross violations" of international law. The Resolution mandated the creation of a commission "to establish the facts and circumstances of such violations, … to make recommendations, in particular on accountability measures … and to report to the Council at its twenty-eighth session." The scheduled date for release of the report was March 23, 2015.

On August 11, 2014, Ambassador Baudelaire Ndong Ella, President of the Human Rights Council, announced the appointment of William Schabas to chair the Commission, despite (or, more likely, in consequence of) his long history of anti-Israel activism and prejudicial statements made about Israel and its leadership. On February 2, 2015, with the Commission having "largely completed the task of gathering material" and beginning "work on the drafting of the report," Schabas resigned when the Bureau of the Human Rights Council requested a legal opinion from UN headquarters regarding a previously undisclosed conflict of interest created by Schabas' prior paid work on behalf of the Palestine Liberation Organization. On February 3, Mary McGowan Davis, already a member of the Commission, was appointed chair, and the UN announced that the Commission would still present its report according to the original schedule. Given the time frame, it was practically impossible for the new chair to alter the investigative agenda already set by Schabas.

On March 9, 2015, just two weeks before the COI's report was to be presented to the Council, McGowan Davis requested a delay in presenting the report. Instead, on March 23, she provided an update of the COI's work to the UNHRC, and the Council voted to delay presentation of the report to the body's June 2015 session.

Despite indications that under McGowan Davis' leadership the COI has interviewed additional witnesses and taken a broader look at source materials than it had under Schabas' tainted management, the Commission's work nonetheless remains clouded in secrecy. The evidence being considered by the COI has not been released to the public, the deliberations of the Commission are tightly sealed, the identities of staff members are hidden, and allocation of work between Commission members and staff is unknown. Moreover, past UNHRC reports can be used to predict the results, and suggest that the primary emphasis of the report will focus on unverifiable and false allegations against Israel premised on bad sourcing and a fundamental misunderstanding of military operations and the laws of armed conflict. The factual narrative adopted by the report will rely, in the main, on work by a variety of anti-Israel NGOs (only partially acknowledged), and it will reflect the narrative of Israel's foes, primarily Hamas.

The factual narrative will not be supported by sufficient evidence to enable objective third parties to reach similar conclusions; indeed, in many cases, the factual narrative will be disproved by subsequently presented evidence. Nonetheless, the report will accuse Israel of numerous war crimes and crimes against humanity based on this shaky evidentiary foundation and tendentious and erroneous readings of the relevant law. Token acknowledgement of one or two of Hamas's crimes — most likely related to the indiscriminate firing of rockets against Israeli civilians — will appear in the report to create the appearance of balance. The report will avoid recognizing the relevance of international law concerning terrorism, and it will refrain from acknowledging that Hamas is a terrorist organization.

As independent scholars and researchers who have examined previous UNHRC reports in detail, we decided to conduct our own investigation focusing on some of the central issues related to the conflict, international law and human rights. Lacking the substantial budget and personnel at the disposal of UNHRC, we limited our investigation to a small number of issues likely to receive inadequate treatment in the COI report.

In preparing this report, we are aware of the extreme complexities in discerning the facts in the context of urban warfare. We are keenly cognizant of the difficulty in ascertaining the truth when faced with contradictory versions of events, particularly when little or no forensic or documentary evidence is revealed to the public. When even the identity of casualties (combatant or civilian) is hotly disputed, it is difficult to make definitive judgments concerning such issues as military necessity and proportionality. As has been demonstrated conclusively in analysis of past publications, particularly in the case of the Goldstone Report, it is not possible within the compressed time frame of a few months to properly investigate incidents related to combat in Gaza. In nearly all cases, little or no direct evidence is available to non-party investigators regarding the events. The evidence at the disposal of non-party investigators is often based on the testimony of residents and partisans and is highly problematic (whether gathered by partisan non-government organizations, journalists, or officials of UN commissions) and of questionable verity.

Therefore, our publication does not attempt to provide a definitive analysis of the incidents during the 2014 combat. Instead, we focus on a number of central dimensions related to international law and human rights that are essential to understanding the context and combat. These dimensions are:

1) The production and import of rockets and missiles, which were then launched from Gaza into Israel. In the period since 2001, more than 20,000 projectiles have been launched from Gaza, targeting the Israeli civilian population in a gradually increasing area. The import, production, storage (in densely populated civilian areas), and launch of these weapons clearly and repeatedly violate international law.

2) The sources of Hamas financing in light of international law forbidding the provision of assistance to terror organizations. We examine the internal and external funding mechanisms of Hamas, with a particular emphasis on states that provide financial, military, and material support – specifically Syria, Iran, and, after 2012, Qatar and Turkey.

3) The evidence regarding the abuse of humanitarian aid provided by different sources – international agencies, individual governmental, and non-governmental aid groups – to Gaza; the diversion of the aid for military and terror purposes; questions of supervision and accountability by the aid providers; and the international law implications of the diversion of aid; and

4) The credibility of reports and allegations from non-governmental organizations regarding the 2014 conflict.

On the basis of the detailed research presented in these chapters, we offer the following conclusions:

The continued failure by HRC fact-finding mechanisms to employ clear benchmarks for ethical standards, as well as the lack of adherence to the principles of objectivity, non-selectivity, balance, and universality, are among the reasons for the HRC's unsuccessful first eight years and the sweeping criticism of the Goldstone mission, among other initiatives. In some cases, their findings and conclusions have contributed to civilian harm, bolstering the impunity of groups like ISIS, the Taliban, Hamas, Hezbollah, and Boko Haram.

At a minimum, and in order to avoid the gross failures of the past, future UN commissions of inquiry must adopt and strictly adhere to internationally-accepted fact-finding standards, in particular the principles of impartiality and objectivity. They must be fully transparent in all methods of their work including, identifying staffers and

consultants, adopting standards governing third-party interactions, and implementing public guidelines as to how the credibility and factual claims of third-parties will be assessed. In their work on the Arab-Israeli conflict, they must move beyond the simplistic narrative of sole Palestinian victimhood and complete Israeli wrong-doing. They must end their practice of one-sided mandates and examine the motivations and actions of Hamas and other Palestinian armed groups, as well as their supporters and funders.

Without implementing these key reforms, UN fact-finding mechanisms will continue to be viewed as politicized exercises of little relevance.

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Human rights situations that require the Council's attention

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Please recycle

Continued Challenges for Women in the Egyptian Public Space

The current government of the Egyptian state continues to witness grave violations against women in the public space. Women human rights defenders (WHRDs) in Egypt continue to face impediments in their everyday activism and are neither protected nor enabled to carry out their legitimate work. Targeting WHRDs is part of continuous attempts by the current Egyptian government (similar to previous governments) to expel women from the public sphere. The documented violations committed against WHRDs include arbitrary detention, beatings, dragging, attempted strangling, sexual assault and violence in an attempt to strip women, threaten them with rape during detention, insults of a sexual nature, and all manners of degrading and inhumane treatment.

An emblematic case is that of the seven WHRDs (Ms. Sanaa Seif, Ms. Yara Sallam, Ms. Hanan Mustafa Mohamed, Ms. Salwa Mihriz, Ms. Samar Ibrahim, Ms. Nahid Sherif (known as Nahid Bebo) and Ms. Fikreya Mohamed (known as Rania El-Sheikh) arrested on 21 June 2014 for protesting peacefully against the Protest and Public Assembly Law (No. 107 issued on November 24, 2013). They were sentenced to three years imprisonment, 3 years monitoring and a fine of EGP 10,000 (USD 1398.60) by the Heliopolis Misdemeanor Court on October 26, 2014, and the Abbasia Appeal Court reduced the sentence to two years imprisonment and 2 years surveillance on December 28, 2014.

Other tactics to punish WHRDs is the issuance of travel bans, such as that issued against prominent WHRD Esraa AbdelFattah on January 13, 2015, who did not know she had a travel ban issued against her, and found out about it by coincidence when she was in the airport traveling to Germany. The final court session to either cancel her travel ban or confirm it is scheduled for June 16, 2015.

In addition, a shocking lifetime imprisonment verdict and a fine of 17 Million Egyptian Pounds (USD 2,229,215.84) was issued on February 4, 2015 in the case known as the Ministerial Cabinet Case, which its incidents date back to December 16 - 20, 2011 which included the infamous "blue-bra girl" incident, where among the 230 against which the verdict was issued are 8 WHRDs, including Hend Nafe', who is a staff member at Hisham Mubarak Law Center, and the Founder of "Watan Bila Ta'zib" (A Nation Free of Torture), in addition to a female minor among 38 minors who were sentenced to 10 years imprisonment. The trial is currently being re-conducted for 17 defendants, including 3 WHRDs, one of whom was a minor, namely Ne'ama Ali Saeed Mesallam, during the concerned incidents. Her case has been transferred to the juvenile court and she has been released on April 8, 2015, while the other 2 are still detained since March 3, 2015, namely Shaimaa Ahmed Saad and Abeer Saeed Mohamed Mostafa.

Another example of the increasing verdicts against WHRDs is the one issued on the 9th of February, 2015, by El Raml Misdemeanor Court in Alexandria governorate against WHRD and Lawyer Mahienour El-Massry along with other 9 activists from Alexandria to two years in prison and bail amounting to 5000 EGP (655.37USD) to suspend the verdict, over charges that include: Attacking and causing injuries to the police officers of El Raml Police Station; Breaking into the police station; Destruction of some of its contents; Disabling work flow along with terrorizing and intimidating citizens" in March 2013. On May 11, 2015, the ElRaml Misdemeanor Court postponed the session of the case's appeal to May 31, 2015, with the detention of Mahienour, who is currently detained in Damanhour Women's Prison.

Sexual violence against women in the public space is another grave problem. A national strategy to combat violence against women has been announced and published on May 7, 2015, yet, we emphasize the importance

of monitoring its implementation. Meanwhile, articles relating to crimes of rape, sexual assault and harassment in the Penal Code (Articles 267, 268, 269 and 289) are currently deficient in nature and do not address the epidemic of sexual assault as well as rape. It also fails to address the rights of the survivors and their protection when submitting reports. While the Penal Code recently defined and addressed sexual harassment in the new amendment to Article 306, the amendment is insufficient in its scope and the article is limited in nature and only considers a crime sexual harassment if the intent is proven to be related to obtaining sexual benefits. With the exception of the Tahrir mob-sexual assaults and gang rapes in June 2014 during the inauguration of President AbdelFattah ElSisi, no one has been held accountable for mob-sexual assaults and gang rapes committed since November 2012. Finally, a police staff member was sentenced to life imprisonment on May 24, 2015 and held accountable for sexually assaulting a mentally challenged minor in a police station in August 2014. This stresses the importance of holding all state actors for crimes of sexual violence accountable.

In regards to political participation, there are clear flaws within the current Egyptian government's approach to enabling women's participation. For instance, in the upcoming parliamentary elections there is a quota only on the absolute lists (There are 540 seats in parliament, 120 of which are reserved for the absolute lists) which will result in women having 56 seats out of 120. The law states that the president can appoint 3 -5 percent of the elected parliament or up to 27 members, half of which must be women (this law is not obligatory and the president may choose to appoint no parliament members or appoint any number- half of which must be women). Therefore, the representation of women could range between 10.374 percent (This is the case if the president does not appoint *any* members) and 14.65 percent (This is the case if the president decided to appoint all female members) at best. Despite the fact that this is a higher representation than the 2011/2012 parliament, it remains a low percentage for women, given that 420 seats will be elected based on first-past-the-post system and there is no quota set for women on the individual seats.

In addition, the parliamentary elections were postponed once more based on the Constitutional Court ruling on March 1st, 2015 that deemed the law on constituency division unconstitutional. Currently, there's no transparent timeline set for the elections by the government, and new legislations are drafted, reviewed and passed in the absence of an elected legislative body; Thus, there's a law on violence against women that the Supreme Committee for Legislative Reform (a legislative committee that is formed by a presidential decree) is currently reviewing with no transparency or engagement with various actors such as CSOs due to the absence of the Parliament.

Meanwhile, judicial bodies, including the State Council, continue to marginalize women and hinder their inclusion in the judiciary despite the fact that it has become a constitutional entitlement. Women were refused appointment in the State Council recently and several law graduates filed legal complaints concerning their deliberate exclusion from being appointed in the State Council. However, the Supreme Council of the Judiciary decided to appoint women from the Administrative Prosecution as judges in February, 2015. The Council set several conditions for appointing them, including having a higher degree than a BA in law and fluency in a foreign language, which doesn't apply to their male counterparts. This constitutes a clear breach of equality and equal opportunity.

Moreover, the constitution mandates establishing an anti-discrimination committee (Article 53), which needs to be established after the parliamentary elections. For this committee, universal definitions need to be used to include all groups in Egyptian society that suffer from discrimination. This needs to be done via the adoption of a holistic approach that includes the participation of feminist and human rights groups, the National Council for Women, National Council for Human Rights, in addition to having gender focal points in the Egyptian ministries that would ensure women's political representation, mainstreaming gender in the policies issued, which in turn, would reflect on the Anti-Discrimination Committee, that should also be granted full autonomy.

Accordingly, Nazra for Feminist Studies would like to make the following recommendations to the Egyptian government and the international community:

The Egyptian government must act in accordance with the standards of the UN Declaration on Human Rights Defenders and introduce national legislation to protect them from state and non-state actors, to recognize and enable their work.

The Protest and Public Assembly Law No. 107 issued in November 2013 needs to be revised, to allow the space for WHRDs to carry out their legitimate work in defending human rights, especially that this law is unconstitutional.

The Egyptian authorities need to take all measures to proceed with the processing of the Ittihadia Presidential Palace case in which 7 WHRDs have been sentenced as outlined above, at the Court of Cassation as quickly as possible to revoke the issued verdict.

The Egyptian authorities need to immediately and unconditionally revoke the travel ban issued against WHRD Esraa Abdel-Fattah, and to publicly announce the names of human rights defenders, WHRDs and activists against whom a travel ban is issued, in addition to publicly announcing the reason behind the concerned bans and the legal basis on which they are issued, and whether there are any charges directed at them or not.

Reform the penal code to punish all forms of violence against women and ensure its implementation to ensure women's access to justice.

Enact the implementation of the holistic and comprehensive national strategy to combat violence against women that was publicly announced on May 7, 2015, and legislation, which should contain provisions for its effective implementation through gender budgeting, evaluation and monitoring.
Investigate sexual violence violations committed against women since November 2012 and prosecute those responsible.

Enact legislation to mandate the regular collection of statistical data and research to ensure an adequate knowledge base for effective implementation and monitoring.

Call on the international community to push the Egyptian authorities to initiate a process that genuinely incorporates a transitional justice mechanism, that holds real perpetrators accountable and both recognizes the important human rights activism conducted by WHRDs, and ensures their protection.

Promote the appointment of women in decision-making positions such as the judiciary and executive positions.

Amend the election law to make it more inclusive of women, within a democratic, transparent process, through using gender quota within a proportional system in elections. Also, giving space for civil society actors -both local and international - to become part of the election processes to guarantee their transparency and efficiency. Also, the parliamentary elections process must be expedited in order to have an elected legislative body as soon as possible through which laws can be reviewed and passed through a transparent, democratic process.

United Nations A/HRC/29/NGO/69

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Human Rights Council
Twenty-ninth session
Agenda item 4
Human rights situations that require the Council's attention

Written statement* submitted by the International Humanist and Ethical Union, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[25 May 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-09155 (E)
1509155

Please recycle

Freedom of Expression and Belief in Bangladesh: A campaign of killings against atheist bloggers

"Militant groups are trying to justify these murders using religious textures and manipulating young minds to commit this type of heinous acts [sic] So it's our responsibility to write and share our thoughts against these things. It's time to actively speak out and encourage our people in rational thinking. Stop writing for fear of death, that is not going to happen here."

– *Eukli, atheist blogger in Bangladesh*[1]

The International Humanist and Ethical Union (IHEU) is seriously concerned about the situation for people in Bangladesh who seek to express their criticism of political Islam, Islamism, or religious militancy, who advocate secularism, or who identify as atheist.

During the first five months of 2015, three atheist bloggers were hacked to death on the streets of Bangladesh.

On the 26th February, after receiving threats from Islamists, a prominent American blogger of Bangladeshi origin, and founder of the Mukto-Mona (Free-mind) blog site, Avijit Roy, was murdered with machetes in Dhaka. The attack also left his wife, Rafida Ahmed, critically wounded. A month later, on the 30th March, another blogger, Washiqur Rahman, was killed on a street in Dhaka by Islamists using meat cleavers. The suspects said they killed Rahman due to his anti-Islamic articles. On the 12th May, blogger Ananta Bijoy Das was hacked to death on a crowded street in the city of Sylhet. He was on his way to work when he was chased down the road and killed by four masked attackers wielding machetes.

According to civil society there exists a 'hit-list' compiled by radical Islamists, which includes many secularist writers, bloggers and journalists – the three bloggers killed this year were reportedly named on that list. As yet, no one has been successfully prosecuted over the attacks.[2] The IHEU is in touch with over a dozen atheist writers / bloggers who are living in fear for their life.

The three murders this year follow a succession of attacks over many years against those who identify as non-religious or who criticise Islamism in Bangladesh: In November 2014, Islamic militants hacked to death a humanist university professor, Shafiul Islam, several years after he led a push to ban students wearing full-face veils for identification purposes; in February 2013, atheist blogger Ahmed Rajib Haider had his head hacked open with a machete the day after he took part in the Shahbag rally;[3] a month previous, Islamist militants attempted to murder another atheist blogger, Asif Mohiuddin, by stabbing him in the neck; and in August 2004, assailants attacked the Bangladeshi writer Humayun Azad with machetes after he tried to expose the politics and ideology of Islamic fundamentalists in the country.

This pattern of vicious attacks shows how Bangladesh's secular / atheist blogging community is being specifically targeted in a violent killing campaign, which, notably the state authorities seem either unable or unwilling to prevent.[4] The head of an activist blogger network and a leader in the 2013 Shahbag protests, Imran H. Sarker has

[1] http://www.telegraph.co.uk/news/worldnews/asia/bangladesh/11616459/Our-country-could-become-like-Afghanistan-Bangladeshs-bloggers-are-living-in-fear.html

[2] https://www.amnesty.org/en/articles/news/2015/05/bangladesh-authorities-must-deliver-justice-as-third-blogger-is-hacked-to-death/

[3] http://bdnews24.com/bangladesh/2013/02/16/killers-hacked-rajib-first-then-slit-his-throat-police

[4] https://www.amnesty.org/en/articles/news/2015/05/bangladesh-authorities-must-deliver-justice-as-third-blogger-is-hacked-to-death/

observed that, "open-minded and progressive bloggers are being targeted in general. They are killing those who are easy to access, when they get the opportunity [...] The main attempt is to create fear among bloggers."[5]

Not only does this violence successfully silence those who have been murdered, but it also works to create a public space in which free speech is inhibited; it "sends a chilling message to all in Bangladesh who espouse independent views on religious issues."[6]

Given Bangladesh is an avowedly secular country and the Awami League government sees itself as supporting secularism, it might be expected that the government would respond to this violence by sending out a clear message in support of the right to freedom of expression and freedom of religion or belief – particularly given such rights represent values enshrined in the constitution. This has not been the case.

In April 2013, in response to calls from Islamic groups for the introduction of a law providing for capital punishment of those who "malign Allah, Islam and Prophet Muhammad," the police arrested four bloggers (including Asif Mohiuddin) for "causing hurt to religious belief."[7] At the same time, an estimated 100,000 Islamists took to the streets of Dhaka calling for "death to the atheist bloggers."

Prime Minister Sheikh Hasina said her government would take action against anyone defaming Islam.[8] She rejected the calls from Islamists to implement an anti-blasphemy law, arguing that existing laws *were already sufficient to punish anyone who attempted to insult religion*. Under the existing cyber laws in Bangladesh, a person can be jailed for up to 10 years if convicted of defaming a religion online. Hasina added, "If anybody tried to harm any sentiments of any religion or any religious leader, there is a law, we can take any action."[9]

Sajeeb Wazed, a key figure in the Awami League and son of Hasina, justified the government's failure to provide public condolences to the families of the murdered bloggers, by stating: "We are walking a fine line here. We don't want to be seen as atheists [...] It doesn't change our core beliefs. We believe in secularism. But given that our opposition party plays that religion card against us relentlessly, we can't come out strongly for [Mr Roy]. It's about perception, not about reality."[10]

The government's keenness to dissociate itself from its atheist citizens is not only callous and morally reprehensible in its treatment of them as citizens and human beings, but it fails to recognise that the murders of atheist /secular bloggers is also an attack on the freedom of expression and freedom of thought, conscience and religion or belief of *all*. The failure by the authorities to take all possible steps to ensure the perpetrators of these crimes are brought to justice, and to ensure protection for those at risk, can only be interpreted as sending the message that such attacks are tolerated by the authorities - creating a climate of permissive impunity which facilitates violence against anyone who seek to question the status quo.

Such a climate should be viewed against a backdrop of "official harassment of journalists in Bangladesh."[11] Article 19 has described an "alarming increase in harassment through unwarranted application of laws" and cases of intimidation and threat on the increase by 26.66%.[12] Bangladeshi news outlets are reported to have dozens of cases filed against staff; which range in allegations from defamation to contempt of court. The editor of one paper, *Prothom Alo*, said he believed the cases were efforts by authorities to intimidate his paper.[13] Earlier this year, a court initiated contempt of

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[5] http://www.dw.de/bangladeshi-bloggers-pay-the-price-of-upholding-secularism/a-18349725

[6] http://www.hrw.org/news/2015/05/12/bangladesh-killing-blogger-blow-free-speech

[7] http://www.telegraph.co.uk/news/worldnews/asia/bangladesh/11616459/Our-country-could-become-like-Afghanistan-Bangladeshs-bloggers-are-living-in-fear.html

[8] http://www.dw.de/tension-flares-over-blasphemy-and-free-speech/a-16728459

[9] http://www.bbc.co.uk/news/world-asia-22058462

[10] http://www.bbc.co.uk/newsbeat/article/32703432/not-believing-in-god-is-dangerous-for-bloggers-in-bangladesh

[11] https://cpj.org/2015/04/cpj-concerned-by-arrest-of-bangladeshi-journalist-.php

[12] "Freedom of Expression in Bangladesh 2014," Article 19, p2.
http://www.article19.org/data/files/medialibrary/37943/Bangladesh-FoE-Country-Report-2014.pdf

[13] https://cpj.org/2015/04/cpj-concerned-by-arrest-of-bangladeshi-journalist-.php

court charges against twenty-three people who had signed a letter expressing concern about the use of the contempt of court law to curb freedom of expression in the country.[14]

All of this contributes to a public space in which minorities, whether critical of religion, Islamism, or the Government, are muted by fear of reactive extreme violence; a space full of danger and intimidation for those who seek to exercise their fundamental human rights to freedom of religion, belief and expression as protected by international law. By enabling this climate, Bangladesh is acting in contravention of its international obligations on human rights and betraying those who are courageous enough to speak out against religious extremism and militancy in the country.

Accordingly, we call on the Human Rights Council to put pressure on Bangladesh, as a member of the Council, to:

- Act urgently to bring to justice those responsible for the brutal attacks, and to make clear that attacking freedom of religion and expression will not be tolerated.
- Do all in its power to stop the violent campaign against those who profess no religion, criticise Islamism, political Islam, or religious views.
- Make a clear and public statement clarifying that the right to freedom of religion or belief applies to those with no religious belief as well; the importance of the country's leader recognising atheists as moral agents in possession of the same rights as religious citizens should not be underestimated.
- Amend the Information Communications Technology Act 2006, specifically section 57, so as to bring it in to line with international standards.
- Ensure that law enforcement agencies uphold the right to freedom of expression, and provide training to those agencies on how to deal with crimes against those seeking to exercise free expression.

As an elected member of the Council, Bangladesh is obliged to "uphold the highest standards in the promotion and protection of human rights" and "fully cooperate with the Council."[15] If it is to retain any credibility as a member, we urge it to reform its laws so as to protect freedom of religion, belief, and expression, and take urgent action to protect the lives of those citizens who simply wish to exercise such rights.

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[14] http //www dhakatribune com/bangladesh/2015/apr/02/23-citizens-issued-contempt-notice

[15] A/RES/60/251, §9

United Nations A/HRC/29/NGO/70

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Human Rights Council
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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Marangopoulos Foundation for Human Rights, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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1509156

Please recycle

The new EU's proposed dubious military response to increasing migrant shipwreck tragedies: What is the cost for human rights?

The Marangopoulos Foundation for Human Rights (MFHR) remains alarmed about the increase in migrant shipwreck tragedies in the Mediterranean Sea and the proposed response of the EU. Since the major migrant shipwreck tragedy in 2007 in Malta, followed by another one in the Mediterranean Sea two years later, there is a sequence of similar events from 2009 to date, assuming unforeseeable dimensions, given the increasing number of Mediterranean crossings, and of death tolls until now.

Over this year, and particularly these two months, the Mediterranean Sea has become the deadliest migrant crossing for people coming from countries in conflict, fleeing wars, dictatorships, poverty, climate change, terrorism etc. and seeking safety for themselves and their families. According to recent statistics issued by the International Organization for Migration (IOM), total migrant deaths from Mediterranean crossings stand in early May at 1.829, compared to the same month last year, when the toll was 207. People of all ages, including children, drown and the international community seems incapable of addressing international human trafficking and smuggling.

It was only after the recent migrant shipwreck tragedy on 20 April that the European Commission, dismayed by the 700 perished lives in the Mediterranean and by the rising number of migrants and refugees' arrivals in Europe, issued a 10-point action plan on migration. Although the MFHR welcomes the acknowledgement of shared responsibility and call for urgent collective action by EU Member States for migration management, it remains deeply concerned about the potential impact of the set of actions announced on the human rights of migrants and refugees.

In particular, the MFHR considers the increase in Joint operations' resources a step in the right direction, but firmly disagrees with the European Commission's proposal to dismantle the smuggling and trafficking networks by using military force. The European Union is bound by the international human rights law, and therefore must include human rights in every action it takes in relation to the protection of migrants and refugees.

At the UN level, the Office of the High Commissioner on Human Rights has outlined in its "Recommended Principles and Guidelines on Human Rights at International Borders" a number of norms – deriving from international Human Rights Law (Universal Declaration of Human Rights, International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights, International Convention on the Rights of the Child etc.) – that every Member State should consider when laying down border governance measures. Under Principle II.A.5, measures aimed at addressing irregular migration and combating transnational organized crime at international borders, shall not adversely affect the enjoyment of the human rights and dignity of migrants. The practice of using military force to manage migration and refugee inflows by destroying the smugglers' vessels, will result in the loss of more lives, in the increase of human rights violations and of transportation costs, but will nevertheless not prevent people from fleeing armed conflicts, poverty etc. Therefore, the proposed destruction of vessels puts the human rights of those who attempt to cross the EU borders, namely, the right to life, the right to leave a country, the right to liberty, the right to physical integrity and the right to asylum at stake.

Moreover, the MFHR welcomes the European Commission's proposal for a temporary distribution scheme for persons in need of international protection which will ensure a fair and balanced contribution of all Member States that would alleviate the burden placed on frontline countries (mainly Greece, Italy, Spain and Malta). The European Commission has accepted the need for a permanent system for sharing the responsibility for large numbers of refugees and asylum seekers among Member States. However, the MFHR deplores the latest backtracks of certain Member States in this regard, such as France, Germany, Austria, Hungary. This reluctance of certain EU Member States combined with the proposed military action violates the human r'ght to leave his/her own country and ask for asylum in another country (Article 13.2 of the Universal Declaration of Human Rights), thus rendering in essence the right to asylum "empty shell". The MFHR recalls that both all Member States and the EU are bound by the 1954 Convention relating to the Status of Refugees, under which, it is forbidden to force people fleeing persecution in their own country to go back (Article 32).

Meanwhile, the division between Northern and Southern Member States persists: migrants and refugees are left only with the option of being held for several months or even years in detention centres in the South, waiting to move to the North.

The MFHR urges the EU Member States to focus on human rights oriented solutions, rather than on military operations. Northern and Southern Member States should reach a consensus on the need for a coherent EU migration and refugee policy which will ensure effective long-term border governance, as well as long-term migration management, in full respect of human rights.

Emphasis should be given on saving more lives, on implementing actions for non-military crisis management and on making rightful use of advanced technologies with regard to the detection and identification of the dispersed smuggling networks. In particular, the EU Member States must take into account the risks for human life that the militarization of the migrant crisis entails: even the European Commission itself has admitted that military operations could ultimately have fatal consequences both on migrants on board the smuggling vessels and on fishing boats which might be mistakenly targeted.

The MFHR calls upon the UN and particularly the Human Rights Council to identify and tackle effectively the root causes – such as war and poverty – of the increasing number of shipwreck tragedies in the Mediterranean as well as of the expansion of the smuggling networks. The UN must closely monitor the EU proposed actions on migration management and ensure that they are in full compliance with International Human Rights Law.

Above all, migrants and refugees fleeing their countries should be offered alternative routes to enter another country, other than boarding smugglers' vessels. It is especially in such emergency situations that safe legal channels for migration must be developed. Migration is a major international problem to which no one should any longer turn a blind eye, especially by considering that part of the solution lies in military operations launched against the vessels that carry unfortunate people.

United Nations A/HRC/29/NGO/71

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Human Rights Council
Twenty-ninth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Joint written statement* submitted by the Maarij Foundation for Peace and Development, Global Network for Rights and Development (GNRD), non-governmental organizations in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[25 May 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-09157 (E)

1509157

Please recycle

Statement on Poverty

Maarij Foundation for Peace and Development and the Global Network for Rights and Development (GNRD) welcome this opportunity to address the Human Rights Council on the continuing efforts to address the serious issue of global poverty, particularly within the context of the post-2015 development agenda.

This agenda, as we all know, will succeed the eight ambitious UN Millennium Development Goals for 2015, which ranged from environmental sustainability, universal primary education, the halving of extreme poverty to a greater empowerment of women. These goals, despite a number of shortfalls, resulted in invaluable progress on a number of fronts, and ultimately clarified the interdependencies between various aspects of development, poverty, human rights, and security.

It is clear today that security and economic growth, are mutually reinforcing. It is no coincidence that 39 of the 49 Least Developed Countries are suffering through conflict or post-conflict situations. But, on the other hand, we find that the effects of improvements in one sector can be limited by another. While we have seen a huge growth of youth educated to the high school level and beyond, continuing unemployment, due in part to the global financial crisis, has left a majority of this population marginalized. Thus, moving forward with effective development post-2015 requires us to critically examine how our systems, problems, and actors have evolved in an increasingly interconnected and globalized world. And this especially applies to the issue of poverty.

One of the major misconceptions regarding poverty that has plagued international development for about half a century, is that it is simply a condition where an individual or group lacks financial means and, thus, by extension the solution could be found in some figure of development aid. Such a gross oversimplification obviously ignores the multidimensional factors that contribute to what is in fact a system of disempowerment that we call poverty. Warfare, lack of education, ethnic discrimination, environmental degradation and exploitation inevitably prevent social mobility while reinforcing power inequalities. Any comprehensive approach to poverty will include regionally appropriate "top-down" policy-strategies that address the necessary restructuring of power and wealth, as well as "bottom-up" strategies that focus on increased empowerment, participation, and agency.

This brings us back to building on the MDG 8 with strategies that take into account the evolution of poverty and its root causes in a post-2015 world. One of the major shortfalls of the MDG 8 was an overall failure to address accountability and governance in developing states. It is clear that while moving forward, it is of utmost importance that our "top down" strategy not only makes better use of foreign aid, but also tackles what is draining funds from developing countries.

The reality is that the world we live in today is dominated by corporations that not only earn more money but also wield more power and influence than many developing countries. Corporate exploitation is by no means a new phenomenon, but it's reprehensible that, in 2015, billions of dollars in profits continue to be made at the expense of those with nothing. African nations have long suffered from the exploitation of natural resources and appropriations of land by foreign businesses, which cost countries twice as much as total development aid to the continent annually. Continued imports by corporations of conflict minerals and illicitly acquired resources not only destabilizes the region, but also denies

local citizens the opportunity to capitalize on their own wealth. Tackling these injustices requires both stronger local governance to combat illicit trade flows and establish firm property rights, as well as binding transparency standards on global supply chains.

Another example of corporate exploitation contributing to poverty can be found with the tobacco industry. With the sharp decline in use of tobacco products in the developed world, the tobacco industry has focused on driving consumption in low and middle income countries by targeting public health taxes, deliberately marketing to women and youth, and exploiting bilateral and multilateral trade agreements to combat health packaging laws with expensive litigation. Most recently, the industry has challenged policies through expensive investor state dispute settlement mechanisms, arguing that unfavourable regulations violate the brand's intellectual property rights. These suits have intimidated low-income countries in Africa, Southeast Asia and South America and deterred them from pursuing tobacco control legislation.

Consequently, smoking in developing countries has steadily increased at roughly 3.5% percent annually, currently reaching over 80% of the global market share. The economic burden to low income smokers is immediate, and most will not be able to cover the cost of the long-term health effects that will plague them throughout their lives. In addition to pushing for stronger implementation of the WHO's Framework Convention on Tobacco Control, the post-2015 development agenda must address the shifting agenda for global health and hold tobacco and pharmaceutical industries accountable for the role that they play.

It is clear that when developing countries lag several decades behind wealthier countries in the legislation of sound, scientifically based health policies—such as warning labels on cigarette packages—these populations are further disempowered, disadvantaged and susceptible to conditions of poverty.

This focus on initiatives for global health also moves past "top-down" strategies, and into "bottom-up" strategies that seek to offer agency and participation directly to socially, economically, and politically marginalized communities. Taking a human rights based approach to health, where every individual, regardless of their socio-economic status, has a guaranteed right to quality physical and mental health services, is a prerequisite for any sustainable social and economic development.

There is no denying that a population with stronger physical and mental capabilities will not only produce a more productive and capable workforce, but also to less economic resources being wasted on easily preventable complications. The original MDG 8 made considerable progress on child mortality, which was linked to direct economic growth, and now we must continue to focus on the economic effects of chronic under nutrition and potentially catastrophic infectious diseases.

The overall goal of these improved "bottom-up" approaches is to empower vulnerable communities with the tools they need to develop their own economic systems. The World Bank has played and will continue to play a vital role in bridging financing gaps for infrastructure, education, energy and water security in the coming years. They have clearly demonstrated a drive for sustainable solutions that move past mere donor-aid, and instead work to empower local actors by strengthening local financial systems and property rights. This extends to the inclusion of local actors in all decision-making processes, and the strengthening of local civil society to enhance political efficacy and improved governance.

In the coming months, the entire international community has a role to play in determining appropriate regional "top-down" and "bottom-up" approaches for the post-2015 agenda. An NGO like GNRD, for example, takes both approaches. We advise the African Union Commission on developing plans for social protection and raises awareness of issues and responsibilities to policy makers; at the same time, we work with vulnerable communities in the Middle East and Northern Africa to help protect basic rights and health services.

In closing, I think it bears repeating that in 2015, the interdependencies between social development, security, and poverty have never been stronger, and what we have at stake if we don't fix this crisis has never been higher. We simply will not solve many of today's global crises without making significant advancements in social development and the provision of viable economic opportunities. For example, there is no denying that the shocking regularity of drowning tragedies in the Mediterranean and the proliferation of deadly migration routes are inextricably linked to poverty and stability in the Middle East and North African region.

The number of migrants who risked their lives to sail to Europe rose from 70,000 in 2011 to 220,000 in 2014; and hundreds of thousands more are working years in labour camps to try to earn the exorbitant fees smugglers charge for a one-way ticket. The only long-term solution to this problem is through sustainable development strategies that tackle the roots of poverty and inequality in the region.

We can't pretend there is a simple solution to eradicating poverty, but a comprehensive post-2015 agenda requires us to remain cognizant of the evolving challenges in today's world, as well as the shifting dynamics and interdependencies between problems and actors.

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Universal Periodic Review

Written statement* submitted by the Maarij Foundation for Peace and Development, a non-governmental organization in special consultative status

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GE.15-09158 (E)

1509158

Please recycle

Statement on the Situation of Human Rights in Myanmar

Maarij Foundation for Peace and Development takes this opportunity of the twenty-ninth session of the Human Rights Council to welcome the combined efforts of the Special Rapporteur on the Situation of Human Rights in Myanmar and of the Special Envoy for Myanmar. In its Resolution 28/9 (A/HRC/28/9) the Council expressed its deep concern over the increase of nationalist-based intolerance towards religious and ethnic minorities. The Council, alongside the international community, urged the Government of Myanmar to publicly condemn such discourse and to take all necessary and appropriate action, in conformity with its international human rights obligations, to combat violence.

Likewise, in Resolution 28/11 (A/HRC/28/11) , the Council expressed concern at the Government of Myanmar's declaration that all white card identity documents would expire on 31 March 2015, which will deny persons belonging to the Rohingya minority all forms of identification and the right to vote. The Council has called upon the Government to issue identity documents for all current white card holders, without discrimination, including all persons belonging to the Rohingya minority, to ensure equal access to full citizenship related rights. While welcoming some of the measures taken by the Government, the Council has encouraged it, as well as political and civil society leaders, to facilitate interfaith and intercommunity dialogue, in particular in the Rakhine State, to undertake full, transparent and independent investigations into all reports of human rights violations and abuses, to address the root causes, to ensure accountability and to bring about reconciliation.

Already in 2005 during the 11th Session of the Working Group on Minorities of the UN Commission on Human Rights3, it was highlighted how Rohingya have constantly been subjected to discrimination since Burma's independence in 1948.

Almost a decade after, in January 2015, the Special Rapporteur on the situation of human rights in Myanmar4 has confirmed to us that the situation of Rohingya has not improved at all, expressing concern on the situation of displaced persons in Muslim camps living in abysmal conditions with limited access to food, health care and essential care.

This intolerable situation has also been evidenced by ASEAN Parliamentarians for Human Rights' report5 which has revealed that around 150,000 Rohingya Muslims remain in more than 80 internal displacement camps in the Rakhine State without adequate access to humanitarian aid. Furthermore, more than 100,000 have fled to other countries by sea, often becoming victims of human traffickers.

Despite its continued effort towards a durable nationwide ceasefire between ethnic armed groups and an all-inclusive political dialogue leading to comprehensive political solutions, the Maarij Foundation for Peace and Development has recently observed evidence that crimes and human rights violations continue to being committed against Muslim minority groups. Insufficient attention has been paid to the systematic and widespread crimes committed by the armed forces of Myanmar against its ethnic minorities. The Maarij Foundation for Peace and Development has noticed that this campaign of crimes against humanity is still ongoing. In the beginning of May 2015, 469 migrants (83 women and 41 children) were rescued at sea, north of Aceh, by Indonesian emergency services. These migrants had fled their homes and villages because of discrimination and crimes against humanity.

The Maarij Foundation for Peace and Development believes that no credible human rights improvement process can occur in Myanmar while crimes against humanity continue against minority groups. Therefore, we call upon the Human Rights Council to condemn the ongoing ethnic cleansing as well as the rampant campaign of crimes against humanity led by the Myanmar authorities against its ethnic minorities. The Maarij Foundation for Peace and Development urges the Human Rights Council to demand that the Myanmar authorities:

- Ensure that crimes committed by the police and army of Myanmar against its civilians are subject to an independent and impartial investigation;

- Immediately cease its military campaign against ethnic minorities; and

- Protect and promote the rights of minorities in the country.

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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Maarij Foundation for Peace and Development, a non-governmental organization in special consultative status

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1509164

Please recycle

Statement on Violence against Women

As an international human rights organisation MAARIJ FOUNDATION FOR PEACE AND DEVELOPMENT aims to protect and promote human rights and, in their context, foster development in all aspects of society. MAARIJ FOUNDATION FOR PEACE AND DEVELOPMENT has noted with increasing concern the mistreatment of refugee and asylum-seeking women all over the world, and we would like to thank UNHRC for raising the topic, as we would like to bring to wider attention this issue of critical importance which requires urgent coordinated action.

Overview

It is a sobering fact that women fleeing persecution are exposed to further threats or violence once they arrive in a country to seek asylum but are subsequently locked up in detention and made to feel like criminals. Many of the women who are forced by circumstances to seek asylum have already been threatened with or been subjected to significant harm and face further risk and fear of violence when held in detention or detention-like situations.

It is well known that rape is frequently used as an effective weapon of war. It is an act which not only affects the individual's physical and psychological health, and often self-worth, but also impacts the family and community. When a woman has to flee her country because of rape, the lasting effects are even farther reaching yet because of varying cultural and personal reasons rape is extremely difficult to talk about. In spite of UNHCR recommendations, which state that victims of torture and other serious and physical, psychological or sexual violence should not be detained, the practice of arbitrarily locking up women asylum-seekers, often at the same time as men and children, is becoming an increasing phenomenon around the world.

Once in detention, asylum-seekers irrespective of gender or age are confronted with an uncertain future, not knowing how long they will be held, nor what their fate may be once they are released. This uncertainty has grave repercussions for their mental health and can aggravate pre-existing mental health issues. Moreover, as documented events have demonstrated, many of the women in detention centres have had reasons to live in fear of further violence and sexual assault.

Despite this state of affairs, researching issues related to women in detention centres has been a challenging prospect for humanitarian workers, mainly because it is difficult to find specific information. This points to a lack of focused research on the subject, and is something that needs to be remedied. As the upcoming sustainable development goals reflect, there is an urgent need to ensure a gender perspective in such research, as the experience of various forms of hardship affects women and men differently.

Country Examples

In the United Kingdom, a 2014 report by 'Women for Refugee Women' found that female asylum-seekers who survived rape, sexual violence and other forms of torture were being held in detention for extended periods, adversely affecting their mental health and leading to depression, fear, self-harm and suicide attempts. It has been reported that women in the UK's Yarl's Wood detention centre suffered exploitative sexual conduct by staff and/or

abusive behaviour and were concerned for their privacy[1]. States have a primary responsibility to ensure the physical protection of refugees, especially women and girls within their territory, and to take all possible measures to prevent the occurrence of sexual violence.

There have been similar reports from female asylum-seekers bound for Australia who end up in the regional processing centre on the island of Nauru. An independent review was recently conducted into allegations relating to conditions and circumstances there, which found cases of sexual exploitation in exchange for access to showers, as well as two separate allegations of rape[2]. 'Save The Children' has made submissions[3] to the Senate Inquiry following the release of this report, stating that some pregnant women, who are especially vulnerable, and who suffer from incontinence have reduced their water consumption, which is dangerous in the heat, to avoid walking long distances to the toilets and as a result have built 'makeshift' toilets. In some cases, women have forgone medical treatment because of difficulties in accessing the medical centre. Maintaining the civilian and humanitarian character of asylum and the protection of all refugees are the Australian government's main obligation according to international law.

Women in detention are vulnerable to sexual assault and exploitation. Between 2007 and 2011, there had been 185 reported sexual abuse complaints by detainees in immigration detention facilities in the US. Knowing that sexual abuse is a widely underreported crime in the outside world, this number is undoubtedly not representative of the full scope of the problem[4]. States remain responsible for taking all measures to prevent sexual violence and exploitation towards women and girls within their borders.

Women have specific health care needs. In the Irwin County Detention Centre in Alabama, women were reported to need a doctor's note to receive more than 12 sanitary towels a month. In other US facilities women are given only one sanitary towel at a time, and have to ask the male guards for new ones. The care of pregnant women in detention facilities is often sub-standard. Detention centres in Georgia and Arizona have been reported to refuse pregnant women additional mattresses, despite very thin bedding, and forcing women to give birth with only a nurse practitioner present. Women have been reported to have miscarried after being ignored when requesting medical help with profuse bleeding[5]. In this context, we demand the relevant body of the United States of America to bear its responsibility to respect and ensure the fundamental human rights of refugees and asylum-seekers, such as the right to life, liberty and security of person, as well as freedom from torture or other cruel, inhumane, or degrading treatment.

Women who seek asylum and are arbitrarily detained face a series of human rights violations. They are denied their right to seek and benefit from the protection offered by asylum, they are denied their liberty and in some cases are subjected to what amounts to torture[6]. They are denied their right to employment, to adequate health care and to a life of dignity. Furthermore, when states ignore or mistreat refugee and asylum-seeking women,

[1] http://www.refugeewomen.co.uk/wp-content/uploads/2015/01/WRW_IamHuman_report-for-web.pdf

[2] https://www.immi.gov.au/about/dept-info/_files/review-conditions-circumstances-nauru.pdf

[3] http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Regional_processing_Nauru/Regional_processing_Nauru/Submissions

[4] https://www.aclu.org/map/sexual-abuse-immigration-detention-facilities

[5] http://www.fmreview.org/detention/brane-wang

[6] http://www.theguardian.com/world/2014/aug/05/-sp-australias-detention-regime-sets-out-to-make-asylum-seekers-suffer-says-chief-immigration-psychiatrist

they are in violation of CEDAW articles 1 and 3, general recommendation 19 regarding the support services offered to the women, and general recommendation 24 regarding the health needs and protection of asylum-seeking and refugee women. States also disregard the principles enshrined in the Beijing Platform for Action, specifically the articles referring to reproductive health and safe pregnancy, violence against women in vulnerable situations, and gender-sensitive staff in the refugee and asylum-seeking process.

Recommendations

Based on our firm conviction that all people are equal and have the right to leave their countries and seek refugee when forced to do so, we at MAARIJ FOUNDATION FOR PEACE AND DEVELOPMENT call for:

- Governments and NGOs to integrate a gender scope in all reports on persons in detention facilities.

- Governments to abolish detention for asylum-seekers, as all asylum-seekers have the right to live in dignity and be free from violence whilst claims for asylum are being processed

- Governments to ensure that all staff dealing with refugees and asylum-seekers in the world should possess counselling skills and gender-sensitivity. When refugees and asylum-seekers arrive in a foreign country, they should be met with sensitivity and respect. Moreover, there should be close to 50 percent men and women in the staff, and all asylum seekers should be able to request a case-worker of their own gender. This also goes for interpreters.

- Governments and NGOs to provide all refugees and asylum-seekers arriving in a foreign country understandable information regarding their rights, and all practical information on needed services.

- Governments to use interpreters in all instances where this is needed or requested, such as health services or during interviews. It must be possible for women and men to have interpreters of the same gender as themselves.

United Nations A/HRC/29/NGO/74

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Human Rights Council
Twenty-ninth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Institut international pour la paix, la justice et les droits de l'Homme- IIPJDH, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[25 May 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-09165 (E)
1509165

Please recycle

Trafficking and Blackmailing of people in conflict areas and the dangers they face after they leave their countries, and the responsibilities and duties of the states in those areas

The International Institute for Peace, Justice and Human rights notes that people in conflict zones have never been more in need of international assistance than at present. IIPJHR said in the statement that men, women, elderly people and children living in areas of conflict urgently need the United Nations, the Human Rights Council and NGOs to take care of them, protect them and help them.

It said 2015 has been *annus horribilis* for all those human beings who urgently need to leave their places of abode due to violent conflicts as they are usually the first victims when battles erupt.About 36 armed conflicts, open or latent, military or civil, are still shaking the world, IIPJHR said.According to the latest UNHCR data, at the end of 2013, nearly 51.2 million people were accounted for as refugees or displaced persons throughout the world. In 2014, that number increased by 5.5 million, including 1.4 million outside the borders of their native countries.

Such large-scale and disturbing movement of people is compounded by the horror of trafficking and exploitation of people trying to flee to safety, innocent victims who are duped by traffickers and divested by large amounts of cash as the price of being promised "means of escape." Many such people have faced horrible deaths while being thwarted in their attempts to elicit support from many neighbouring countries.

The Mediterranean Sea has become a common grave under the gaze of the international community and of Europe, IIPJHR said.

Likewise the Bay of Bengal has become the antechamber of death for Bangladeshi and Myanmar's Rohingya refugees who are repulsed with violentee from neighbouring countries of Southeast Asia.
And how many other places in the world have turned into mass graves amid a deafening silence of the media and governments and inaction from Western providers of weapons? IIPJHR asked in the statement.

"It is always possible to come to your noble assemblies to demand justice, to uphold and apply the law and international conventions, require a particular state to meet its obligations," IIPJHR said.

"Yes, it is possible but it is neither sufficient nor effective!

"It is always possible to imagine and organise punitive expeditions or military protection to put a little distance between rabid attackers and a civilian population doomed to a horrible death.

"Yes, it is possible but it is neither sufficient nor effective!
"It is always possible to set up rescue boat flotillas to help the dying.

"Yes, it is possible but it is neither sufficient nor effective!"

United Nations A/HRC/29/NGO/75

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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Alulbayt Foundation, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[25 May 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-09166 (E)
1509166

Please recycle

Extreme Violence against Children through Legal System in Bahrain

Provisions in Bahraini legislation with regards to children, especially those applicable to children in conflict with the law, flout international standards of juvenile justice. According to the Child Law of 2012 (Article 4), a child is defined as someone not exceeding the age of 18 years. However children who have turned 15 who are in conflict with the law are considered as adults. According to the 1976 Juvenile Law a juvenile is someone not exceeding 15 years of age. Bahrain's Penal Code (Article 32) states "there is no [criminal] responsibility for anyone not exceeding the age of 15 when the crime was committed." The Article also states that provisions of the 1976 Juvenile Law apply when a person is below the age of 15 "at the time of committing an act constituting a crime".

(Article 6) state the Juvenile Law states that those under the age of 15 cannot be imprisoned if they commit a crime They are supposedly given alternatives to deprivation of their liberty. However, in reality, most of those tried and sentenced in connection with the anti- government protests and who are below 15 are held in the Juvenile Centre in 'Issa Town which is under the Ministry of Interior's control and they are deprived of their liberty. In reality the legal minimum age of criminal responsibility is seven, which is extremely low compared to internationally accepted standards.

Current there 213 minors held behind bar within the Bahrain prisons, forced to stay side-by-side with adults, and a few have faced torture and sexual abuses.

Some of the children face charges of up to 15 years. One child, 17, has a verdict of up to 34 years in prison based on the cases sentenced against him, and he still has one case to be sentence by the end of this year, some of these children are charged under the terrorism law, which was created to silence the uprising.

Children as young as 13 have been sentenced to prison on charges of terrorism in trials that lacked any evidence and despite the fact that the Bahraini law does not define prison punishment for children below the age of 15 in the event of a criminal conviction.

To the Office of the High Commissioner for Human Rights

- Request the government of Bahrain to extend a standing invitation to the Special Procedures of the UN Human Rights Council, in particular the Special Rapporteur on the independence of judges and lawyers, and to respond positively to the visit request of the Special Rapporteur on the rights to freedom of peaceful assembly and of association.

To the Special Rapporteur on the independence of judges and lawyers

Recalling the relevant United Nations rules and guidelines for the treatment of children in contact with the justice system, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (the Havana Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the Guidelines for Action on Children in the Criminal Justice System (the Vienna Guidelines), the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime, the Guidelines for the Appropriate Use and Conditions of Alternative Care for Children, the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems, the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) and the basic principles on the use of restorative justice programmes in criminal matters, and taking note of the guidance note of the Secretary-General on the approach of the United Nations to justice for children of September 2008, Stressingthe importance of preventing violations of the rights of the child before they occur,

- Request the government of Bahrain to extend an invitation to visit the country.

To the United States and the member states of the European Union, the Arab League, and the Gulf Cooperation Council

- Urge the government of Bahrain to extend a standing invitation to the Special Procedures of the UN Human Rights Council, respond positively to the visit request of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, and facilitate in a timely manner a visit by the Special Rapporteur on the independence of judges and lawyers.
- Suspend all sales and provision of military and security-related items and assistance to Bahrain until the government adopts measures to end serious human rights violations such as those resulting from the suppression of peaceful demonstrations

To Bahraini Government

- Immediately and unconditionally release all children under 18 deprived of their liberty solely for exercising their right to freedom of expression, peaceful assembly, or association;
- Set up prompt, impartial and independent investigations into allegations of torture and other ill-treatment committed against children in detention. The outcome of these investigations should be made public and where there is sufficient admissible evidence, suspected perpetrators should be prosecuted in proceedings that conform in international fair trial standards.

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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Alulbayt Foundation, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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GE. 15-09167 (E)
1509167

Please recycle

Bahrain: Violations of international Human Rights agreements continues unobserved

Bahrain has signed over 7 human right international treaties

- International Convention on the Elimination of All Forms of Racial Discrimination
- Covenant on Economic, Social and Cultural Rights (ICESCR)
- International Covenant on Civil and Political Rights
- Convention on the Elimination of All Forms of Discrimination against Women
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- Convention on the Rights of the Child
- Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

Alulbayt Foundation and SALAM For democracy and Human rights been following and documenting Bahrain authorizes violations that are in contravention of signed and ratified agreements, there seems to be obscure and pretense projects and organisations, and inapplicable laws organised by the authorities to hide away the extent and show false improvements. To demonstrate this fully, no meaningful recommendations from the BICI report in 2011 or if they implanted the 2012 UPR recommendations been implemented.

We have also noted that with the current political system, which is strictly built on exclusivity and control rather than democratic principles. As such, demands for freedoms and rights are perceived as dangers that would open the floodgates for the rest of the Bahraini society to obtain their rights. Further, there are protests in every decade, thus a torture and detention policy and manipulation of domestic law is seen as necessary even though it contravene international agreements.

- Bahraini authorities' anti-freedom stance existed prior to the popular uprising in 2011, and the uprising resulted in the full documentation of violations by all international human rights organisations and portrayed in the mainstream media. Even though the Bahraini authorities have continued contravening the agreements and continue violations, the international community has remained largely quiet and uninvolved. Some world powers, predominantly the UK, have provided reprieve and diplomatic protection to the Bahraini authorities, allowing human rights abusers and torturers to escape justice – making the authorities more confident to carry out further agreement-contravening violations.

Recommendations:

- For the international community, to oversees the restructuring of the political system to ensure the involvement of all citizens in the political process and the proper distribution of wealth, all based on equal citizenship rights and duties without any discrimination, whilst ensure the creation of real and accountable institutions.
- To utilize an international court to bring to justice all officials involved in abuses and torture.
- To add Bahrain on a list of countries that violate human rights, and that the world powers, like the UK, to take the issue of human rights and democracy as a basis for building and continuing relationships.
- For the United Nations to assume a protective role for the Bahraini people, by preventing countries that export weapons from dealings with the authorities in Bahrain.
- For the United Nations to activate UN laws and compel Bahrain to implement all the recommendations presented by the UN Human Rights Council.

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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Human Rights Now, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[25 May 2015]

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GE.15-09169 (E)
1509169

Please recycle

Cambodia and China: Labour Exploitation in the Clothing Industry- Responsibility of International Apparel Brands

1. Introduction

More than two years have passed since the tragedy in Rana Plaza, Bangladesh.

Thousands of workers, mostly young women, were killed and injured by the accident, but workers' rights in Bangladesh have not yet improved.

Rana Plaza is not an isolated incident but represents serious workers exploitation by supplier factories producing goods for global industry.

Human Rights Now (HRN), a Tokyo based international NGO, is gravely concerned over labour rights violations in developing regions, especially China and South East Asia. Both regions have significant numbers of clothing factories that supply clothes and shoes to international brands, including Japanese brands. To lower production costs, these brands sometimes purchase goods manufactured in conditions that violate labour rights.

HRN emphasizes the importance of addressing these issues not only by criticizing local governments and factories, but also addressing broader structural problems.

HRN calls on the global industry to redouble its effort to ensure sustainable businesses that meet international human rights standards.

2. Findings of labour rights violations in UNIQLO suppliers in China

In 2014, HRN together with other organizations conducted a joint investigation into factory working conditions in China, focusing on two manufacturers of the Japanese brand UNIQLO.[1] The Investigation found four key issues relating to these factories that deserve immediate attention: (a) low basic salaries and long working hours, (b) high-risk unsafe working environments, (c) harsh management and punishment systems, and (d) the lack of worker representation.

Both manufacturers paid workers the minimum wage of their respective provinces, an amount well below the 2013 average monthly salary of workers in regions. Many factory workers are driven to work overtime in order to supplement their monthly salary, leading to shocking overtime hours as high as 156 hours per month. Investigations show that manufacturers hide their workers' overtime hours by asking workers to sign "voluntary applications of overtime work" that underrepresents the amount of hours worked or by manually recording overtime work exceeding 100 hours to avoid computer detection. Furthermore, manufacturers underpay overtime work, in clear violation of Chinese Labour Law, which requires double pay.

The factory environment poses great risk to workers' health and safety. Common issues include extremely high floor temperatures in the shops, dirty floors filled with sewage, the use of chemicals and irritants without proper ventilation and worker protection, and intense working pressures. These working conditions sometimes prove deadly. A worker died last year of electrocution due to electricity conducting through the sewage-filled floors. There are currently no effective measures implemented to address these serious issues.

Worker management is often facilitated by strict regulations, many of which are not stipulated in official worker regulations but rather are written on whiteboards in the factory. Among these regulations, fines are heavily used to control product quality and manage workers. For example, workers may be fined 50-100 RMB if they allow their knitting machines to become dirty. This practice is against Chinese Labour Law.

Some of the mentioned violations could be addressed if general workers are represented through democratic trade unions. However, workers in the factories lack effective mechanisms or platforms to submit their complaints and opinions about their working environments. One manufacturing company has a trade union; however, the union chair is also the director of the administrative department. The other factory has no trade unions but has an ineffective worker committee group and employee relations department in the factory.

3. Findings of labour rights violations in Cambodia

In February 2015, HRN conducted an investigation into clothing factory conditions in Cambodia, over 80% of whose exports are for the clothing industry. While the Cambodian government responded to international pressure by

[1] See SACOM/ HRN UNIQLO Report available at: http://hrn.or.jp/activity/event/ngo-4/

implementing new labour policies, HRN investigations reveal serious problems that still exist: inadequate minimum wage, poor working conditions, cruel and illegal amounts of overtime work, the problem of "disposable workers", discriminatory treatment of labour union activities, inadequate protections for female workers, workplace safety, inadequate mechanisms for redressing labour rights violations and attacks on labour unions.[2]

In 2015, the Cambodian government raised the minimum wage in clothing and shoe factories to $128 per month. However this increase does not adequately cover living expenses required to live in Phnom Penh, and thus workers are pressured to work overtime. Currently, labour unions are demanding wages above $160 per month, and NGOs are petitioning international brands to sign Fair Wage Agreements. For workers outside of clothing and shoe factories, minimum wages have not yet been set, and these workers still remain vulnerable to labour exploitation.

HRN interviewed employees from four manufacturing companies that supply to major international brands. The interviews reveal that the factory workers' overtime hours are more than double the daily limit under Cambodian law. Sometimes workers are even compelled to work 24-hour shifts, sometimes consecutively. Furthermore, no matter how much they work, the employee has a monthly payment cap, which results in unpaid overtime work. The factories skirt overtime payment obligations by instructing its workers to punch out at 6:00 pm, thus any overtime work after 6:00 pm is unpaid.

Workers feel compelled to work these gruelling hours by the threat being fired or unable to renew their employment contracts. These employment contracts are often short-term contracts lasting 1-3 months. Under Cambodian Labour Law, employment contracts exceeding two years become a labour contract of undetermined duration. Factories likely dispose of their workers before they are able to work two consecutive years in order to avoid the legal obligations required by labour contracts of undetermined duration. These "disposable workers" remain particularly vulnerable to forced overtime work, while being unable to voice their concerns to management.

Protection for female workers is another area showing serious rights violations. Many clothing factory workers are female, and Cambodian Labour Law includes provisions for female workers such as maternity leave. However, some female workers are dismissed during their pregnancy. Others are rejected for employment contract renewal if they ask for certain leaves or refuse overtime work. Female workers find it impossible to maintain work and family responsibilities under these harsh working conditions, and this lack of balance is detrimental to their health and well-being.

Worker health is further put at risk by poor safety conditions in the factories. Many injuries result from poor maintenance of the facilities and safety instructions that are inaccessible to the workers. Proper protection is often not provided, and when they are provided, the heat in the factory makes it impossible to wear the protective equipment. Interviewees reveal that workers are forced to wear masks and goggles only when inspectors come to the factory. Some workers pass out from the harsh environments.

According to the labour union in Cambodia, 6715 workers were dismissed due to their active participation in labour unions in 2014, out of which 60 percent were female workers.

This discrimination violates Cambodian Labour Law Articles 12 and 270, which prohibit discrimination over promotion or termination of employment based on worker membership in worker unions or the exercise of union activities.

Despite the serious situation, worker's rights violations are not sufficiently redressed. Cambodia still lacks effective mechanisms to redress these labour rights violations, including an Arbitration Council.

According to the workers HRN interviewed, the factories in question are indeed suppliers of international brands, such as H&M, Marks and Spencer, and Fast Retailing (UNIQLO, GU).

5. Recommendations

1) The workers situations in supplier factories for international brands in Cambodia and China have a lot in common, such as excessive / illegal overtime work, low salary, dangerous working environment, and denial of trade union activity. Both the Cambodian and Chinese governments fail to implement international labour standard and domestic labour laws. They also fail to provide effective mechanisms to protect workers' rights.
Hence, HRN urges both the Chinese and Cambodian governments to strengthen efforts to enforce their labour laws and provide effective mechanisms to ensure workers' fundamental rights.

[2] See HRN Cambodia Report available at http://hrn.or.jp/eng/news/2015/04/16/cambodia-labour-exploitation-in-the-garment-industry-responsibilities-of-the-cambodian-government-and-international-brand-companies/

2) At the same time, HRN emphasizes the responsibility of the international brands subcontracting factories where workers' rights violations are identified or claimed in China and Cambodia.

In accordance with the UN Guiding Principle on Business and Human Rights, business enterprises have an obligation to "*seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services by their business relationships.*" [1]

HRN calls on the international brands mentioned, including Fast Retailing (for whom violations in China and Cambodia are reported), H&M, INDITEX and Marks and Spencer (for whom violations in Cambodia are reported), to conduct dialogues with suppliers over the identified problem and root causes, and together with the suppliers, establish action plans to eliminate all violations and disclose the entire process to the public.

HRN also calls on all international apparel brands to adhere to international human rights and labour standards, and take all necessary measures to eliminate all negative impacts to workers' rights in entire process of their supply chains.

[1] UN Guiding Principle on Business and Human Rights

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Written statement* submitted by the Human Rights Now, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[25 May 2015]

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1509248

Please recycle

Fukushima: Persisting violations of affected people's fundamental human rights by the Japanese Government after the Fukushima nuclear disaster

1. Introduction

Over four years have passed since the nuclear accident at the Fukushima Dai-ichi Nuclear Power station on 11 March, 2011.[1] There remain health and protection concerns for people living in areas where radiation exposure exceeds 1mSv/year, especially for vulnerable people such as children, pregnant women and the elderly.

In May 2013, the UN Special Rapporteur on the Right to Health Mr. Anand Grover proposed comprehensive recommendations to Japan in his report (hereinafter Grover recommendations).[2] In July 2014, the UN Human Rights Committee (hereinafter HRC) also made clear recommendations to Japan to fulfill its obligation under the ICCPR and ICESCR.[3]

However, the Japanese government continues to dismiss most of Grover's recommendations.[4] The government has not taken holistic measures to protect right to health of people affected by the nuclear disaster.

2. Evacuation Policy

1) Japan has taken extremely insufficient measures to protect the right to heath of victims of the Fukushima nuclear accident. Many people, including children and pregnant women, have to live in contaminated areas based on the government's boundary of the evacuation zones, which are set on the basis of an exposure level of 20mSv/year, a threshold 20 times higher than the international protection standard.[5]

2) Moreover, current government policies are geared to repopulate evacuated areas quickly.

To date, 115,000 people are still displaced throughout Japan as a result of their evacuation from the contaminated areas within Fukushima.[6] The government plans to end support for evacuation and enforce resettlement, disregarding the concerns of affected citizens.[7]

Recently, the Fukushima Prefectural Government planned to end free housing for so-called voluntary evacuees in March 2017.[8] These evacuees are people who have lived outside of the designated evacuation zone based on 20 mSv/year, but they are concerned about the negative health impacts of radiation to their family members.[9] Over 36,000 people are such evacuees outside the evacuation zone, and they have been isolated without financial support from the government.[10]

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[1] Human Rights Now is an international human rights NGO based in Tokyo, Japan

[2] Grover, A/HRC/23/41/Add.3, HRC, http://www.ccprcentre.org/doc/2014/07/CCPR_C_JPN_CO_6_17701_E.doc

[3] Concluding observations on the sixth periodic report of Japan, CCPR/C/JPN/CO/6

[4] A/HRC/23/41/Add.5/Rev.1and *see* http://sandori2014.blog.fc2.com/blog-date-20150315.html

[5] Although the government considers exposure below 100mSv/year to be safe, it decided to use a 20mSv/year standard in setting the evacuation zone.

[6] Asahi Shimbun(17 May) Available at : http://digital.asahi.com/articles/DA3S11758231.html?iref=comkiji_txt_end_s_kjid_DA3S11758231

[7] NHK (Dec.21) [http://www3.nhk.or.jp/news/genpatsu-fukushima/20141221/0604_minamisouma.html] [8] Japan Times (18 May) Available at : http://www.japantimes.co.jp/news/2015/05/18/national/fukushima-may-end-free-accommodations-voluntary-nuclear-evacuees-2017/#.VVv30NK8PGc

[8] Japan Times (18 May) Available at : http://www.japantimes.co.jp/news/2015/05/18/national/fukushima-may-end-free-accommodations-voluntary-nuclear-evacuees-2017/#.VVv30NK8PGc

[9] Japan Times (18 May) Available at : http://www.japantimes.co.jp/news/2015/05/18/national/fukushima-may-end-free-accommodations-voluntary-nuclear-evacuees-2017/#.VVv30NK8PGc

[10] Asahi Shimbun(17 May) Available at : http://digital.asahi.com/articles/DA3S11758231.html?iref=comkiji_txt_end_s_kjid_DA3S11758231

Although the Prefectural Government has stated that it will make a final decision after listening to local officials' opinions, this plan could potentially impact significant numbers of evacuees.[11]

3) Starting in December 2014, the government undesignated Minami-Soma city in Fukushima Prefecture as a protected region despite citizens' continued concerns about the area's contamination.[12] This decision also terminated the psychological-suffering compensation the citizens received from TEPCO for being displaced from their homes.[13]

4) Furthermore, the Liberal Democratic Party (hereinafter the LDP) plans to submit a proposal at the end of May 2015 that will lift evacuation orders for areas with radiation levels as high as 50 mSv per year by March 2017.[14]

By March 2018, the government will instruct TEPCO to terminate the 100,000 yen per month compensation payments that the company currently provides to the 54,800 evacuees with homes located in regions with radiation levels as high as 50 mSv per year.[15] This plan assumes that decontamination efforts will be completed by March 2017.[16] However, the plan also contains a no exception policy which will terminate compensation regardless of the actual radiation levels in the two zones by the stated deadline.[17]

5) Through these policies and proposals, the Japanese government continues to dismiss Mr. Grover and HRC's recommendations.

Mr. Grover recommended the Japanese government to

"formulate a national plan of evacuation zones and dose limits of radiation by using current scientific evidence, based on human rights rather than a risk-benefit analysis, and reduce the radiation dose to less than 1mSv/year".[18]

The government's current plans aim to attract industry back to the evacuated areas, while ignoring the citizens' concerns and rights to health and housing.[19]

In addition, the LDP's May proposals completely ignore HRC's recommendation to

"take all the necessary measures to protect the life of the people affected by the nuclear disaster in Fukushima and lift the designation of contaminated locations as evacuation areas only where the radiation level does not place the residents at risk."[20]

3. Health Monitoring and medical treatment

In June 2012, the government enacted the Nuclear Disaster Victim Protection Law that provides various support for affected people, especially children, to maintain their health and livelihood regardless of their status of living.[21] However, the government has neither fulfilled these responsibilities nor provided accurate and sufficient health examination services.

For example, thyroid examinations are still only available to those who were under 18 years old at the time of the nuclear accident, and follow-up tests are only performed every other year. People who were over the age of 18 at the time are not entitled to free medical care nor any support for their next thyroid examinations.

It has to be noted that 103 cases of thyroid cancer have been identified by May 2015, and the number of people diagnosed with thyroid cancer has been increasing over the years.[22]

However, the government's report on thyroid ultrasound examinations concludes that it is unlikely that the diagnosed thyroid cancer tumors were caused by radiation.[23]

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[11]Japan Times (18 May) Available at : http://www.japantimes.co.jp/news/2015/05/18/national/fukushima-may-end-free-accommodations-voluntary-nuclear-evacuees-2017/#.VVv30NK8PGc

[12]NHK (Dec 21) [http://www3.nhk.or.jp/news/genpatsu-fukushima/20141221/0604_minamisouma.html][13]NHK (Dec 21) [http://www3.nhk.or.jp/news/genpatsu-fukushima/20141221/0604_minamisouma.html]

[13]NHK (Dec 21) [http://www3.nhk.or.jp/news/genpatsu-fukushima/20141221/0604_minamisouma.html]

[14]Yomiuri Shimbun (15 May) Available at : http://the-japan-news.com/news/article/0002151943; Japan Times (15 May) Available at : http://www.japantimes.co.jp/news/2015/05/15/national/fukushima-evacuation-orders-lifted-low-radiation-areas-end-fiscal-2016-ldp/#.VVw2EdK8PGd

[15]Asahi Shimbun (19 May) Available at : http://ajw.asahi.com/article/0311disaster/fukushima/AJ201505190055

[16]Asahi Shimbun (19 May) Available at : http://ajw.asahi.com/article/0311disaster/fukushima/AJ201505190055

[17]Asahi Shimbun (19 May) Available at : http://ajw.asahi.com/article/0311disaster/fukushima/AJ201505190055

[18]Grover, A/HRC/23/41/Add.3; HRC, http://www.ccprcentre.org/doc/2014/07/CCPR_C_JPN_CO_6_17701_E.doc

[19]Asahi Shimbun (19 May) Available at : http://ajw.asahi.com/article/0311disaster/fukushima/AJ201505190055

[20]A/HRC/23/41/Add.3., para.78(a); http://www.ccprcentre.org/doc/2014/07/CCPR_C_JPN_CO_6_17701_E.doc

[21]http://law.e-gov.go.jp/htmldata/H24/H24HO048.html

[22]Asahi Shimbun (19 March) Available at :http://www.asahi.com/articles/ASH5L5QCMH5LULBJ00S.html

Moreover, the government has neither conducted any other health monitoring for people living in the affected area (such as blood or urine sampling, dental exams, ophthalmology, etc.) nor kept any records of illnesses other than thyroid cancer.

In January 2015, the government reported that there would be no need for undertaking examinations for other types of cancer unless one had been exposed to radiation of 100mSv/year.[24]

Mr. Grover's recommendations also urged the Japanese government to monitor *"the impact of radiation on the health of affected persons through holistic and comprehensive screening for a considerable length of time and make appropriate treatment available to those in need"* emphasizing that *"health monitoring should be provided to persons residing in all affected areas with radiation exposure higher than 1mSv/year."*[25]

However, none of these recommendations have been considered thus far.

4. Participation

The government has been promoting the resettlement of victims to their hometowns in contaminated areas, even though people would demand a 1mSv/year radiation basis on the relevant policies.[26]

In spite of Mr. Grover's recommendation to *"ensure effective community participation, especially participation of vulnerable groups, in all aspects of the decision-making processes"*, people are often left outside of decision-making and denied necessary information.

5. Recommendations

HRN urges the Japanese government to reform all relevant policies based on Mr. Grover's recommendations and the latest HRC recommendations;

All policies must be formulated with a victims-based and rights-based approach;

1) The government must prioritize protection of the most vulnerable populations, with due consideration of the health risks of low level radiation exposure to 1mSv/year in national plans concerning evacuation zones, health policy, and in all measures providing for those affected;
2) Appropriate measures include long-term monitoring of the health conditions of affected people, free periodical medical checks, free examinations of internal radioactive exposure levels, as well as free healthcare and medical treatment (including urine and blood testing) for radiation-related illness;
3) Enable full and effective community participation of all affected people in the decision making process of the entire policy concerning the Fukushima nuclear accident, including evacuation policy and designation / cancellation of the zone, resettlement and community building, support and compensation for affected people, health monitoring system.
4) Take concrete and immediate action in conformity with the Victim Protection Law with effective participation of affected people.
5) Lift the designation of contaminated locations as evacuation areas only where the radiation level does not place the residents at risk.
6) Continue financial and housing support for all evacuated people unless the radiation level of their initial residence decreases to the level of 1mSv per year.

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[24] Thyroid Ultrasound Examination (Full-Scale Thyroid Screening Program) Reported on 25th December2014. Available at http://www.fmu.ac.jp/radiationhealth/results/media/16-2_Thyroid_Ultrasound_Examination_F-S.pdf
; cancers such as bladder cancer, laryngeal cancer and lung cancer http://www.japanfocus.org/-Piers-_Williamson/4232

[25] A/HRC/23/41/Add.3 , para.77(a)

[26] Yomiuri Shinbun (Aug.5.2014) Available at http://www.yomidr.yomiuri.co.jp/page.jsp?id=102944